

## STATEMENT OF THE WESTERN FEDERATION OF MINERS.

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Mr. PATTERSON presented the following

**STATEMENT OF THE WESTERN FEDERATION OF MINERS IN  
ANSWER AND REBUTTAL TO CERTAIN ALLEGATIONS CON-  
TAINED IN A STATEMENT OF MINE OWNERS AND PROPERTY  
OWNERS IN COLORADO, RELATING TO THE LABOR DIFFICUL-  
TIES EXISTING IN THAT STATE.**

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FEBRUARY 20, 1904.—Referred to the Committee on the Judiciary and ordered to be printed.

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### STATEMENT.

In support of the resolution introduced by Senator Patterson, of Colorado, the Western Federation of Miners desires to submit a reply to the lengthy statement introduced by Senator Scott, of West Virginia, in rebuttal of the fabricated and unsupported assertions contained in said statement. The document introduced by Senator Scott to the United States Senate brands the Western Federation of Miners as a criminal organization and has been introduced for the sole purpose of poisoning the public mind. In order that the honorable body which compose the Senate of the United States may have a clear conception of the objects and aims of the Western Federation of Miners we hereby present the preamble of our organization:

### PREAMBLE.

We hold that all men are created to be free and should have equal access and opportunity to the enjoyment of all benefits to be derived from their exertions in dealing with the natural resources of the earth, and that free access and equal opportunity thereto are absolutely necessary to man's existence and the upward progress of the human race. Since it is self-evident that civilization has, during centuries, made progress in proportion to the production and utilization of minerals and metals, both precious and base, and that most of the material prosperity and comforts enjoyed by mankind are due to this progress, it is highly fitting and proper that the men who are engaged in the hazardous and unhealthy occupation of mining, milling, smelting, and the reduction of ores should receive a just compensation for their labors, which shall be proportionate to the dangers connected therewith, and such protection from law as will remove needless risk to life or health, and for

the purpose of bringing about and promoting these and other proper and lawful ends, and for the general welfare of ourselves, families, and dependent ones we deem it necessary to organize and maintain the Western Federation of Miners, and, among our lawful purposes, we declare more especially our objects to be:

First. To secure compensation fully commensurate with the dangers of our employment and the right to use our earnings free from the dictation of any person whomsoever.

Second. To establish as speedily as possible, and so that it may be enduring, our right to receive pay for labor performed, in lawful money, and to rid ourselves of the iniquitous and unfair system of spending our earnings where and how our employers or their agent or officers may designate.

Third. To strive to procure the introduction and use of any and all suitable, efficient appliances for the preservation of life, limb, and health of all employees, and thereby preserve to society the lives and usefulness of a large number of wealth producers.

Fourth. To labor for the enactment of suitable laws and the proper enforcement thereof.

Fifth. To provide for the education of our children and to prohibit the employment of all children until they shall have reached at least the age of 16 years.

Sixth. To prevent by law any mine owner, mining company, or corporation, or the agents thereof, from employing detectives, or armed forces, and to provide that only the lawfully elected or appointed officers of the county, State, or province, who shall be bona fide citizens thereof, shall act in any capacity in the enforcement of the law.

Seventh. To use all honorable means to maintain and promote friendly relations between ourselves and our employers, and endeavor by arbitration and conciliation, or other pacific means, to settle any difficulties which may arise between us, and thus strive to make contention and strikes unnecessary.

Eighth. To use all lawful and honorable means to abolish and prevent the system of convict labor from coming into competition with free labor and to demand the enforcement of the foreign contract-labor law against the importation of pauper labor from any foreign country, and also to use our efforts to make it unlawful to bring persons from another State, Territory or province to take the places of workmen on a strike, or who may be locked out, by means of false representation, advertisements, or other misleading means.

Ninth. To demand the repeal of conspiracy laws that in any way abridge the right of labor organizations to promote the general welfare of their membership, and also to use our influence to bring about legislation which will prevent government by injunction by either Federal, State, or provincial courts. To procure employment for our members in preference to non-union men, and in all lawful ways cooperate with one another for the purpose of procuring a just share of the product of our toil and mutual advancement in order that the general welfare of the membership and their families may be steadily advanced and promoted.

Tenth. To use our united efforts to discourage the contract-labor system, and, as soon as practicable, to abolish the same, believing the said system to be detrimental to the best interests of organized labor.

For the further enlightenment of the members of the United States Senate, and in order to show that our organization is a legitimate body, we quote the following from the constitution:

SEC. 2. The objects of this organization shall be to unite the various persons working in and around the mines, mills, and smelters into one central body, to practice those virtues that adorn society, and remind man of his duty to his fellow man, the elevation of his position, and the maintenance of the rights of the workers.

Previous to an applicant being initiated to membership in the Western Federation of Miners or taking the obligation, the following assurance is made:

This body exacts no pledge or obligation which in any way conflicts with the duty you owe to your God, your country, or your fellow-man.

The Western Federation of Miners was organized in Butte, Mont., on May 15, 1893, and for ten years the organization has kept inviolate the principles enunciated in the preamble and constitution.

Because of the success, growth, and strength of the organization, and because of its progressive spirit in defending the humblest of its members from the tyranny of corporate oppression, the Federation has been assailed, not only by the federated might of the smelting trust and the various mine-owners' associations, but corporation journals owned and controlled by magnates in the mining and smelting industries have loaded their editorial columns with slander and vituperation in obedience to the mandates of the moneyed fraternity that molded the convictions of mortgaged editors. The Western Federation of Miners has never waged a battle except in self-defense. All strikes that have arisen can be traced to the encroachments of corporations, whose managers received their orders and instructions from a foreign source.

In support of this assertion, John Hays Hammond, an Englishman, is the guiding spirit of the Venture Company, which company controls a large interest in the Cœur d'Alenes of Idaho and the Cripple Creek and San Juan districts of Colorado. John Hays Hammond is the gentleman who figured prominently in the Jamieson raid in the Transvaal. Were it not for the humanity of Oom Paul Kruger, Mr. Hammond would have met the fate of a traitor. The prime movers in the Cripple Creek district in the strike of 1894 were residents of Colorado Springs, a city which is known throughout the United States as "Little Lunnion." At this time we find James Bradley, of Cœur d'Alene fame, who made an unsuccessful attempt to reduce wages in Idaho in 1899, organizing a Mine Owners' Association in California. This newly-born organization of the Golden State claims to have a fund of \$850,000 for the avowed purpose of destroying the Western Federation of Miners.

In the strike of 1901 in the Telluride district in Colorado Arthur Collins, another Englishman, introduced the contract-fathom system, in order that the miners in America might be placed upon the same basis as the miners of Cornwall, England. The document of the Mine Owners' Association, as introduced by Senator Scott, holds up the Western Federation of Miners as an organization of lawbreakers and criminals, and in refutation of these infamous aspersions cast upon the character of our membership we quote the following from ex-Lieutenant-Governor Hutchinson, of Idaho, who was interviewed by a cor-

respondent of the San Francisco Examiner in regard to the confessions of ex-Governor Steunenberg:

I do not understand the animus of the above, and I have carefully refrained from an expression, but if the governor did testify as quoted in the Examiner I am willing that he should have the glory. His deputy governor may not be afraid of "man or consequences," but I would not want to be ambitious politically with his record. I have 250 miners under me, and every one of them belongs to the Western Federation of Miners, and do not know of one that is a criminal. We have handled off and on 4,000 men in five years, and I believe that the criminal records of Owyhee County do not show one criminal among the number. Two of these men went north to test Sinclair's permit business, and neither of them would seek work without a permit to do so, and they were 1,000 miles from the seat of the trouble at the time of the explosion. One of these is studying for the ministry, and is a careful, conservative man, and has been working for us for years without complaint.

A big mine is really an underground city, and while underground and in different streets we do not need sheriffs or police. I know something of miners, their virtues and their faults, and I should say that Governor Steunenberg picked the right man, because if it is true that he was sick he was incapable of taking care of business, and if the lieutenant-governor had been sent he would not have made every metalliferous miner, from the Joplin mines to Klondike and from the United Verde to Cape Nome, a criminal. I have broken bread with them, drank with them, prospected with them—yes, I have belonged to their organizations. Therefore the governor selected the right man to do the work he wanted. As a citizen and taxpayer of Idaho I believe the necessity for troops in the Coeur d'Alenes would soon cease if the present permit system, as enforced by Governor Steunenberg's putty deputy governor, Bartlett Pear Sinclair, were abolished.

I want nothing to do with men that wear masks or have fearful solemn oaths, and they have no more to do with true labor organizations than do the Mafia in New Orleans to any benevolent secret society. The men under me belong to the Western Federation of Miners. Their number is 66. They are composed of as true and liberty loving a class of people as any organization in Idaho. When they are stamped as criminals in Washington, either by the governor or his putty-self-molded-man-afraid-of-nothing, it is time to call a halt. For one, if Governor Steunenberg or De-puty Governor Sinclair have political monuments on account of their permit system in north Idaho I am willing that they stand on them; if they have political graves I am going to help fill them, and after reading the Examiner I bought a scoop shovel.

If the members of the Western Federation of Miners are men with criminal records, why have our membership been permitted to register their names upon the rolls of the various fraternal organizations, such as Masons, Knights of Pythias, Red Men, Woodmen, Maccabees, Yeomen, Elks, United Workmen, etc.; and how was it that Sherman Bell, the new adjutant-general of the State, was proud to accompany the drill team of the Knights of Pythias of the Cripple Creek district, which won the world's prize at the encampment at San Francisco, and who were nearly all members of the Western Federation of Miners?

Why was it, if the members of the Federation were criminals and law-breakers, that the mine operators have frequently declared that the miners of the great gold camp were the best in the world, and why have they made such strenuous efforts to influence these "criminals" to return to work? Search the records of every penitentiary located within the jurisdiction covered by the Western Federation of Miners, and you will find no member of the organization behind the walls of a prison, and you will find no man serving a sentence on account of his affiliation with the Federation or on account of his connection with any strike. The mine-owners' document charges the Federation with "murder, arson, dynamiting, and riot."

Permit us to call the attention of the United States Senate to the reckless slaughter of human life that may be laid at the door of the mine operators.

In Scofield, Utah, some three or four years ago, nearly 300 miners were killed by an explosion, which resulted on account of the failure of the mine owners to comply with the law governing ventilation. In May, 1901, a disaster occurred in Fernie, British Columbia, where 137 men lost their lives and a coroner's jury brought in a verdict of culpable negligence against the company, and this "criminal" organization, the Western Federation of Miners, immediately sent a representative with \$3,000 for the relief of the widows and orphans. Before all of the bodies were removed from the mine, Manager Tonkin reduced the wages of those who survived this blood-curdling disaster.

It should be fresh to the memory of the members of the United States Senate concerning the appalling disasters which have taken place in Tennessee, Wyoming, and Pennsylvania, and all of which could have been averted if the mine operators had placed a higher value upon human life than dividends and complied with the laws of the respective States. In order that the Senate may realize the wanton sacrifice of human life in the mines and the mine operators' responsibility for the same, we quote the following from the editorial columns of the official organ of the United Mine Workers of America:

Within the past ten months there have been two explosions in coal mines which cost 528 men their lives—338 in Wyoming and 190 near Pittsburg. This is the second national convention within three years that has been horrified by an appalling mine disaster. There were lost in the Iroquois Theater fire in Chicago, four weeks ago, about 560 persons. That disaster resulted in the most rigid examination of every theater and public building in the United States. Scores of theaters have been closed and their owners compelled to obey the law and provide safety for their patrons. The mayor of Chicago, along with six other public officials, have been indicted by the grand jury for neglecting to enforce the laws regarding public buildings.

Now notice the difference: No one is obliged to go to a theater, but men are compelled to work in the mines. A failure to compel the proprietor of a theater to properly secure the safety of his patrons results in the indictment of the men responsible for that failure. Within the past three years in four mine accidents, whereby 872 men have lost their lives, over 500 women made widows, and over 2,000 children made orphans, there has not been a single indictment of operator, foreman, or inspector. It seems unnatural, nay, a brutal state of public conscience, that these mining accidents—let us call them accidents—can go on regularly and not excite an indignation that would remedy this state of affairs. Why is the life of a theater patron of so much more consequence than that of a miner? In the first case there is a clamor set up which results in indictment of derelict officials, while in the other there is a brief paragraph in the papers and the matter is forgotten.

Let a girl or a young woman be murdered under suspicious circumstances, and the bloodhounds of the law and the vigilantes of the press pursue the matter to the last extremity. Column after column is used, the whole matter illustrated for weeks; but let a score of workmen meet their death through some unlawful act of their employers, and after a little squib oblivion is reached in the matter. It is extremely doubtful that outside of the mining communities that 100 persons in the country can tell where those four accidents occurred. In this latest disaster the accounts are so meager that one can not at present tell where the blame for it rests. But we are sure of this one thing: Such an accident can not occur in a properly ventilated mine. We have this from the highest mining authorities in the world. No man is allowed to practice law or administer medicine unless he is declared competent by a proper tribunal.

This is done to protect the lives and property of the people from incompetent persons. Why should not the same rule apply to mining? If the law can protect people from quacks and pettifoggers, why should not the mine workers be protected from the ignorance of their fellows. It is true that a pick may strike a pocket of gas and cause disaster, but nevertheless no man should be permitted to enter a mine until he had shown that he was not a constant menace to life and property because he knew nothing of the perils which lurk in a mine. They tell us these men are overpaid—that their demands for decent wage and safe conditions imperil the prosperity of the country. Merciful God! The prosperity that demands a constant repetition of these horrors is not fit to survive an hour.

In Park City, Utah, at the Daly-West mine, 35 miners were killed by an explosion of giant powder that was stored in the mine by the company contrary to every safeguard which common sense should suggest.

In November, 1901, 22 miners lost their lives by being suffocated on account of a fire which destroyed a boarding house that was connected with the tunnel of the Smuggler Union mine, a property that was then under the management of Arthur L. Collins. The law had not been complied with, for the doors of the tunnel were not so adjusted as to prevent the flames and smoke from entering the mine. The mine operators shed no tears for the sacrifice of these 22 miners who were smothered to death, but when some unknown assassin pulled the trigger and ended the life of one man, Arthur L. Collins, a mighty wail went up and the finger of suspicion was pointed at the Western Federation of Miners.

It is only but a few days ago when 15 men were hurled into eternity at the Independence mine, in the Cripple Creek district, through defective machinery and an incompetent engineer who was imported by the Mine Owners' Association as a strike breaker, and in whose ignorant keeping, for mercenary reasons, was placed the lives of all the men in the mine. Scarcely had the Associated Press contained the report of the horrible calamity when the Mine Owners' Association, together with Bell and Peabody, intimated that a crime had been committed and that the Western Federation of Miners was probably responsible. The following is the verdict of the coroner's jury, which will speak for itself:

We, the jury, find that the above-named men came to their deaths at Stratton's Independence mine on January 26, 1904, by the engineer, Francis T. Gellese, losing control of the engine there in use and pulling the cage into the sheave, thereby parting the cable and precipitating the cage, loaded with the above-named men, down the shaft to their deaths.

And we further find that if the management had not neglected the usual necessary precautions the said casualties might have been reduced, if not avoided.

The usual precautions referred to, which were not taken, are as follows:

First. No man is required to preside at the collar of the shaft while hoisting men.

Second. No safety device was in use on the cable to prevent the overwinding of the same.

Third. Men were loaded and unloaded without placing the cage upon the chairs.

Fourth. The disk brakes of the hoisting engine were detached from their usual positions and were useless.

We, the jury, would recommend that all safety appliances and the precautions herein named and recommended be adopted and used, not only by the Stratton's Independence mine, but by all mines in this district not now using the same, thereby reducing to a minimum the damage to life and limb that men working in mines are subjected to.

We further recommend that a competent extra man should stand near the engineer while he is hoisting or lowering men, whose duty should be to render any assistance needed.

THOMAS M. HAMILL, *Foreman.*

FRANK AKINS, *Clerk.*

JOHN HORGAN.

T. S. LELAND.

R. W. REED.

J. L. TOPPING.

In reference to the charge of "arson" the insurance companies would, in all probability, pay a handsome reward for information as to who, or by whose orders, certain mills in the Cripple Creek district and elsewhere were burned in order to obtain the amount of the

insurance policy. The Senate might ask as to who were most interested in the destruction of mills that were insured, and whose machinery had outlived its usefulness in the treatment of ores?

In reference to the charge of dynamiting, the Senate might inquire as to who were most interested in the blowing up of assay offices in the Cripple Creek district, where ore thieves, it is said, deposited their high grade, and who are responsible for the dynamiting of houses of prominent union men who reside at Newcastle, Colo.

The Western Federation of Miners has been charged with the explosion which occurred at the Vindicator mine, which resulted in the death of two men. The mine at the time the explosion occurred was surrounded by the State military and no union man was permitted to come within close proximity to the property. The secret of the explosion could probably be told by the superintendent of the property and the men who lost their lives on the 600-foot level of the Vindicator. The coroner's jury brought in the following verdict:

We, the jury, find that Charles McCormick and Melvin Beck came to their deaths on the 21st day of November, 1903, at 11 a. m., from the effects of an explosion at the station of the sixth level of the Vindicator mine, located in Cripple Creek mining district. From the examination made at the mine and the evidence introduced, the jury is unable to determine the exact cause of the explosion.

CHARLES KETTLESON, *Foreman.*

Notwithstanding the verdict of the coroner's jury, Lyman White, the commissioner of mines, made an investigation and reached a conclusion that the explosion "was a deliberate design to destroy life and property." Mr. White was the choice of the mine operators for the appointment which he now holds, and felt obligated to show his appreciation for his masters. Mr. White was busy after the Independence accident, and in his desire to show his gratitude for the political crumbs that fell from the table of the Mine Owners' Association he now stands charged with perjury, with brilliant prospects of becoming familiar with the interior architecture of an institution that is maintained by the State.

The Western Federation of Miners was charged with conspiring to blow up the Sun and Moon property at Idaho Springs, and a court and jury have exonerated every member of our organization from that charge.

The federation has been charged with the blowing up of the Strong mine, in the Cripple Creek district, in 1894, in which mine Senator Scott is largely interested. Two of the members of the federation were convicted by a judge and jury at Colorado Springs, the city which has won the title of "Little Lunnion" on account of the English aristocrats who have camped under the shadow of Pikes Peak. These two men served but a short time in prison when it became apparent that they were convicted through prejudice, and a Republican governor granted them a pardon.

If Senator Scott and the Mine Owners' Association of Colorado believed that these men were guilty why was it that Samuel Strong, the original owner, was afterwards arrested, charged with the crime, and why was it that such strenuous efforts were made by Senator Scott and the stockholders of the property to convict Mr. Strong of the crime of dynamiting?

The Western Federation of Miners is charged in the document of the mine owners with "riot." We desire to call the attention of the

Senate to the fact that 89 men were arraigned before the courts to answer to the charge of riot, many of whom are prominent mine owners of Clear Creek County, Colo. These 89 men are the "law and order" brigade who made a nocturnal assault upon 14 members of the Western Federation of Miners and drove them from their homes at the point of deadly weapons.

When these men, who had violated no law, appealed to the governor for protection to return to their homes, he referred them to the civil authorities of Clear Creek County, knowing full well that the sheriff and his deputies were tools of the mine owners and took part in the expulsion of these fourteen citizens, who afterwards returned and were exonerated by a court and a jury of their peers. In Telluride, Buckley Wells, the manager of the Smuggler Union mine, after securing five rifles from the office of the Telluride Journal, headed a mob and marched the streets in company with Meldrum and Runnells, desperadoes, who glory in their criminal records, and who feel flattered in being recognized as the partners of Tom Horn, who was executed in Wyoming for the murder of a little boy.

It was at the instance of this mob that Sheriff Rutan, of San Miguel County, took eleven men who had been arrested on trumped-up charges and escorted them to Montrose, the capital of another county. The cases against these men have been dismissed, but, through the influence of the Mine Owners' Association and the Citizens' Alliance, who absolutely control the civil authorities, these men have not been permitted to return to their homes. The only excuse offered by the sheriff for removing these men to another county was that the jail was overcrowded, notwithstanding the fact that after their removal there remained but one prisoner in the county jail. The men were able and willing to furnish bonds for their appearance in court, but it was evident from what has since transpired that it was the purpose of the authorities to exile these men from their homes.

At Dutch Flat, Cal., several months ago three members of the Western Federation of Miners were met by a mob, who, at the instigation of the mine owners, tarred and feathered their victims, solely because they delegated to themselves the right to organize a local union.

The charges of murder, arson, dynamiting, and rioting made by the mine owners against the Western Federation of Miners comes with poor grace from a combination of men who have not hesitated to violate every law to subserve their own interests and defeat the efforts of organized labor in its struggle to improve the conditions of its membership.

The Western Federation of Miners for years has struggled to place upon the statute books of the various metalliferous States throughout the West an eight-hour law as a sanitary measure for the protection of the life and health of all men employed in mines, mills, and smelters. In this we have been successful in Utah, Montana, Nevada, the Territory of Arizona, and the province of British Columbia. When the legislature of Arizona enacted the eight-hour law and the same was signed by the governor, going into effect June 1, 1903, the mine operators refused to comply with the law, and when the miners of Morenci and Clifton went on strike in support of the law that was enacted, the governor sent out the armed forces of the Territory to awe and intimidate the striking miners, and, furthermore, called upon

the President of the United States for Federal troops, who immediately complied with the request of the governor, backed by the mine operators.

These miners were forced by military might to violate the Territorial law and go back to the mines to work a nine and ten hour day. Five of these men who resisted the efforts of the mine operators to force them to violate the law have been convicted of conspiracy and are now languishing in prison, martyrs to the unholy greed of the "law and order" mine owners. The law, which was part of the organic law of Utah, and which was assailed by the mine operators, was carried by the Western Federation of Miners to the Supreme Court of the United States, where its validity was sustained by Justice Brown handing down a decision which left no doubt as to its constitutionality. The same law was enacted in the State of Nevada, and was again assailed by the mine owners, but the Western Federation of Miners carried the measure to the highest tribunal in that State and its constitutionality was again upheld. At the last general election in the State of Idaho a constitutional amendment was submitted to the people demanding of the legislature that an eight-hour law should be passed, but the legislature, influenced by the mine operators, failed to pass the law.

For several years past in the State of Colorado the Western Federation of Miners has labored for the passage of an eight-hour law. When, finally, an eight-hour law was enacted in 1899, the mine owners and the smelting trust joined hands, and through their influence with the supreme court of the State the eight-hour law, which was a facsimile of the Utah eight-hour law, was declared unconstitutional. At the general election of 1902 a constitutional amendment was submitted to the people making it imperative upon the legislature to pass an eight-hour law, and this amendment was carried by a majority of over 40,000, the largest vote ever recorded for a constitutional amendment in the history of the State. Again the mine operators of the State, the Colorado Fuel and Iron Company, and the American Smelting and Refining Company strangled the political will of the people, as expressed at the ballot box, by brazenly debauching the supposed representatives of the people.

The law, as demanded by the sovereign will of the people, was defeated, and this crime, that was committed by a legislature that was bought by the corporations which are now fighting the Western Federation of Miners, is a far greater crime than all the acts that have been committed under the titles of "murder, arson, dynamiting, and riot" that have been charged against the victims of corporation conspiracy. The Western Federation of Miners is only demanding that which the sovereign citizenship of the State have demanded at the polls, and we leave it to your honorable body to determine who are the greater criminals, the combinations who bribed the legislature, or the men who refused to work ten and twelve hours in the poisonous gases of mines, mills, and smelters.

The cause of the present strike is due to the fact that the Western Federation of Miners has been ever vigilant of the interests of all its members.

On the 14th of February the Mill and Smeltermen's Union No. 125, of the Western Federation of Miners, were forced to strike a blow on the industrial field against the arrogance of the mill trust, whose

employees were denied the right to organize for self protection under the penalty of a forfeiture of employment. Previous to the Western Federation of Miners sending an organizer to Colorado City to establish a local of the Western Federation of Miners, the employees of the mills had maintained a local union, which was disrupted and shattered through the employment of Pinkertons by the corporations, who furnished the names of every man in their employ who dared to become a member of the local organization. When the Western Federation of Miners invaded the domain that was considered sacred to MacNeill, Fullerton and Peck, and organized the Mill and Smeltermen's Union, corporation coin secured the services of a Benedict Arnold in the union by the name of A. H. Crane, who, for Judas money, prostituted his manhood and betrayed his fellow-men by furnishing the corporations the names of every man who sought shelter in the membership of the Western Federation of Miners.

As rapidly as the names of members of the union were furnished by the traitor to Manager MacNeill, of the mill trust, they were discharged without ceremony. The union at Colorado City bore with patience this discrimination until patience became so abused "that it ceased to be a virtue." The representatives of the Western Federation of Miners called upon the management of the mills, protesting against discrimination, but all efforts to bridge the gulf that lay between the union and the mill owners were fruitless, and the strike was declared on the 14th of February against the United States Reduction and Refining Company. It was but a short time when the Telluride and Portland mill owners joined hands with MacNeill and entered into a compact that was backed and supported by the Mine Owners' Association of Colorado to fight to a finish any and all efforts of the Western Federation of Miners to establish the right of the mill men to organize for their mutual welfare and collective prosperity.

The management of the mills spared no effort or expense in endeavoring to secure men to take the place of the strikers. In their efforts to keep smoke curling from the stacks of the great plants, which, in the language of Baer, God had placed in their custody, boys from the schoolroom were accepted and used as "scabs" in the poisoned and fetid atmosphere of the mills. The strikers conducted their campaign in a most peaceable manner and their eloquent and moral persuasion left the mills in a condition which baffled the managers whose haughty contempt for unionism forced the battle. Secret meetings of the mill owners and representatives of the Mine Owners' Association were held, and a plot was hatched that would bring the State militia to the scene of action to assist the corporations in their infamous assault upon the right of labor to organize. The governor of the State became a willing tool to serve the interests of the corporate masters, who in all probability but a few months before furnished the "sinews of war" to aid him in reaching the goal of his political ambition.

When the mill owners and the representatives of the Mine Owners' Association realized that the strikers were masters of the situation and were able, through moral persuasion, to prevent men from usurping their places, a picture was drawn by the corporations to present to the governor that would justify the legality of the State militia being used to break the strike.

On the 3d of March, at the hour of noon, the governor delivered the following order to the adjutant-general:

[Executive order.]

DENVER, COLO., *March 3, 1903.*

*Ordered:* It being made to appear to me by the sheriff of El Paso County and other good and reputable citizens of the town of Colorado City and of that vicinity in said county, that there is a tumult threatened, and that a body of men acting together by force with attempt to commit felonies and to offer violence to persons and property in the said town of Colorado City and that vicinity, and by force and violence to break and resist the laws of the State, and that the sheriff of El Paso County is unable to preserve and maintain order and secure obedience to the laws and protect life and property, and to secure the citizens of the State in their rights, privileges, and safety under the constitution and laws of this State in such cases made and provided.

I therefore direct you, in pursuance of the power and authority vested in me by the constitution and laws of the State, to direct the brigadier-general commanding the National Guard of the State of Colorado to forthwith order out such troops to immediately report to the sheriff of El Paso County as in the judgment of the brigadier-general may be necessary to properly assist the sheriff of that county in the enforcement of the laws and constitution of this State, and in maintaining peace and order.

Given under my hand and the executive seal this 3d day of March, A. D. 1903.

JAMES H. PEABODY, *Governor.*

THE ADJUTANT-GENERAL, STATE OF COLORADO.

The order of the governor calling out the State militia to proceed to Colorado City came upon the people of the State of Colorado "like a peal of thunder from a cloudless sky." Many doubted the story that was flashed from one to another, but as soon as President Moyer and Secretary-Treasurer Haywood ascertained the truth of the report the following address and appeal was drafted and furnished to the Denver Post and Rocky Mountain News for publication.

We herewith produce a portion of the above-named address:

#### LABOR'S ADDRESS TO THE PEOPLE OF COLORADO.

The chief executive of the State of Colorado has ordered the State militia to Colorado City. The governor of this great Commonwealth, after giving audience for several hours to Manager MacNeill and the representatives of the Mine Owners' Association, men who are pecuniarily interested in the degradation and subjugation of labor, sends the armed power of the State to aid the merciless corporations in demanding their "pound of flesh" from the bone and muscle of men who have borne the tyranny of greed "until patience has ceased to be a virtue."

Manager MacNeill acted as a deputy of the sheriff and handed to the governor the following letter:

"I hand you herewith a communication from the Portland Gold Mining Company, operating a reduction plant in Colorado City, and from the United States Reduction and Refining Company, from which I have received requests for protection. I have received like requests from the Telluride Reduction Company. It has been brought to my attention that men have been severely beaten, and there is grave danger of destruction of property. I accordingly notify you of the existence of a mob, and armed bodies of men are patrolling this territory, from whom there is danger of a commission of felony."

It does not appear from the letter of the sheriff that he made a personal investigation of the conditions existing at Colorado City. The communications from the corporations to the sheriff of El Paso County actuated the sheriff in placing in the hands of Manager MacNeill, a member of the corporations, an order to Governor Peabody, and upon the strength of this letter, which MacNeill carried from the sheriff to the governor, the armed force of the State is to be placed at the disposal of the corporations, to be utilized in intimidating labor to fall upon its knees in mute submission to the will of oppressors. The governor, without any apparent investigation as to the truth or accuracy of the representations of corporations, sends forth the armed

guards of the State to subserve the interests of soulless combinations, who gloat in arrogance and haughty despotism as their dividends are made more corpulent, coined from the misery and debasement of the laboring man. No word came from the citizens of Colorado City to the governor stating that there was a mob or insurrection. Depending absolutely upon the unsupported representations of the corporations and a letter from the sheriff, an official who, from his letter, has failed to make a personal investigation, the governor of this great State has become a willing tool in the hands of corporate masters to place the armed machinery of Colorado in the hands of corporations to debauch the manhood and the independence of American citizenship.

#### WHO DID GOVERNOR CONSULT?

It does not appear that the governor even consulted a single solitary citizen of Colorado City, but, relying on the testimony of interested corporations and the sheriff of "Little Lunnion," who is the vassal of the mining corporations, he issues an order to the State militia to shoulder the rifle and become an auxiliary of the corporate interests in defying a battle of manhood against greed. The governor listened attentively to the gory story of MacNeill, the representative of the corporations. Why did he not summon the representatives of labor and hear their evidence as to the conditions at Colorado City? Is there only one side to a story when the interests of the corporations are to be subserved and labor humiliated?

As soon as it was learned by the citizens of Colorado City that the State militia had been called out by the governor and ordered to Colorado City, the mayor and members of the city council held a meeting and the following protest was telegraphed to the governor:

GOVERNOR PEABODY: It is understood that the militia has been ordered to our town. For what purpose we do not know, as there is no disturbance here of any kind. There has been no disturbance more than a few occasional brawls since the strike began, and we respectfully protest against an army being placed in our midst. A delegation of business men will call on you to-morrow with a formal protest of the citizens of the city.

J. F. FAULKNER, *Mayor.*  
GEORGE G. BIRDSALL,  
*Chief of Police.*  
JOHN MCCOACH,  
*City Attorney.*

J. F. Faulkner, the mayor of Colorado City, made the following personal statement to a representative of the Rocky Mountain News:

The only trouble we have had since the strike began was yesterday afternoon, when there were a few street fights. These disturbances were quickly quelled and the offenders were arrested. There were no gun plays. The men simply fought with their fists, and probably the employees of the mills who came down town were given the worst of it. However, I am not fully acquainted with the nature of the quarrels. The boys have been disposed to be peaceable ever since this labor trouble began, and I have been constantly assured by the officers of the union that they would do all in their power to keep their pickets from making any trouble. I can not see, for the life of me, how the governor came to act as he did. Why, it is absolutely absurd to have soldiers patrolling our streets. There has not been a sign of trouble here to-day, and if there had been there is little doubt in my mind but what we could have stopped it in a minute. Some of our citizens will wait on the governor to-morrow and try and induce him to keep the troops outside of the city limits. I think that we can convince him that we can well take care of ourselves here.

Chief of Police George G. Birdsall, of Colorado City, was interviewed by a reporter of the Rocky Mountain News and spoke as follows:

I have talked with a number of people during the afternoon and they are all exceedingly indignant at the thought of having the militia come among us. If some

trouble had arisen which we experienced difficulty in handling then there might have been some cause for sending soldiers over here, but nothing of the kind has taken place. The assaults have been mainly fist fights, which are apt to take place at any time. I do not know of a case where a gun play has been made within my jurisdiction. If I could foresee that men involved in this labor trouble here would resort to the use of weapons I might become scared myself, but the boys have never appeared to take that course, nor do I believe they will countenance such methods in trying to win their fight. They know, as well as all good citizens, that they must have the public behind them, and I am sure they do not care to employ force to win their victory.

In the face of the protests that came from the mayor, chief of police, and city attorney and citizens of Colorado City the troops were sent.

The history of this move by the mill owners is well known. The whole scheme was concocted in Governor Peabody's reception room the day Manager C. M. MacNeill, of the Standard mill, delivered to the governor Sheriff Gilbert's communication. Besides MacNeill, several prominent mine owners were present. Then it was decided to send the troops to Colorado City to intimidate the strikers. There could have been no other purpose in the plan. There was no violence to suppress—no indication that any violence would be committed. There had been no destruction of property, no overt act of any description. Only one striker had been arrested since the beginning of the strike.

Previous to the strike being declared, the following letter was presented to the mill managers by the Mill and Smeltermen's Union of Colorado City:

We respectfully present for your consideration a schedule relating to employment and wages in and about the mills. This schedule has been carefully considered by the members of Colorado City Mill and Smeltermen's Union, No. 125, W. F. of M., and they deem it a fair and reasonable minimum scale for the services in the various lines of work, and inasmuch as throughout the immediate surrounding places a like or higher scale is in effect, it is evident that both the employer and the employees regard a scale not lower than the one presented as just and equitable. Should there be any part of the schedule, however, which appears to you as not being fair and just we will be glad to take the matter up with you, and assure you of our willingness to look at things from the company's standpoint as well as our own, and do that which will promote harmony and justice.

We are greatly aggrieved over the discharge of individuals who have been, as far as we are informed, faithful employees of the company, and the only reason for their dismissal being the fact of their membership in this union.

We do not object to the company discharging men whose services as workmen are unsatisfactory. We are not now nor do we intend to uphold incompetent men nor insist that they be either employed or retained in the employment of the company, but we must and will protect men in their rights to belong to the union, even to the extent of discontinuing to work for any company which so discriminates against them.

We, as members of the union, desire the prosperity of the company, and as far as our skill and labor go will do all we can to promote its interests. We can not understand how any fair and reasonable company should discriminate against union labor, for it is engaged in building hospitals to care for the sick and disabled; it furnishes a helping hand to the widows and orphans of its deceased coworkers. And in this connection we might say, as you are aware, employees are, in law, held to assume the risk of about all the dangers in their employment, and when one is injured or killed and the question of assumption of risk is not involved, the courts usually declare that the injury was occasioned by contributory negligence, and in either case the company is held not liable for damages, so there is not any other source to which the crippled employee may turn except to his union for that pecuniary aid of which he absolutely stands in need, and likewise, if he dies from his injury, his widow, orphans, and dependent ones have no other source of support except from the bounty that they receive from the union. This being true, certainly the company or its officers are not justified in discriminating against men and punishing them by depriving them of employment because they belong to an institution organized for such wholesome and praiseworthy purposes.

Realizing that you will require some time to consider the accompanying scale, the committee will call upon you February 25, and expect a definite answer.

This letter was signed by the official committee of the union, but the letter received but little courteous consideration from the managers. When all overtures of the union failed to bring about an amicable adjustment of differences, the strike was declared as a last resort for justice.

The three leading daily newspapers of Colorado recognized the justice of the strike.

The Rocky Mountain News, in its issue of March 7, had the following editorial on the "Duty of the Governor:"

Governor Peabody's position in regard to the labor trouble at Colorado City is—(1) that he will take no steps toward recalling the troops or in any other direction until next Monday develops the situation in Cripple Creek in regard to the shipment of ore to the mills where the men are out, and (2) that he has done all that his duty requires him to do, and will make no move, of his own volition, toward trying to get an agreement between the men and the mill owners, or a conference between them, or submission of the dispute to arbitration.

Such a view of the duty of the governor to the public is exceedingly narrow. His office charges him with the duty of doing everything in his power to insure the peace and prosperity of the State. At the present time there is no single matter in which he can render more real service to the State and its people than by using his personal and official influence to bring about a settlement of the strike in the mills at Colorado City. Failing to move in that direction he fails in his highest duty as governor.

Should Mr. Peabody persist in that determination no other conclusion will be possible than that he favors the mill owners and wishes them to win, whether they be right or wrong.

His call for the National Guard was made after a consultation only with a sheriff who had utterly failed to use the power of his own office, and with Manager MacNeill, of the mill trust. The governor took their report for everything. He did not ask the men for a statement. He did not consult with the people of Colorado Springs or Colorado City. He did not send anybody down to inquire into the merits of the quarrel or into the truth or falsity of reports of threats against property.

Almost every governor who has occupied the executive chair of this State has been called on to interfere in labor difficulties or has voluntarily interested himself to secure their adjustment. They have all felt that they were governors of the whole people, and that whatever would tend to bring about an understanding or to promote good feeling was part of their duty.

There is no longer any serious attempt to deny that Sheriff Gilbert, of El Paso County, was negligent or willfully unmindful of his duty, and that the stories of threatened danger at the mills were wild exaggerations. The sheriff would have had no difficulty in procuring as many deputies as he required to preserve good order near the mills. He did not try to get them, but, instead, in company with the manager of the mill trust, rushed to Denver to procure an order from the governor that the National Guard should do police duty in El Paso County, at a cost to the State of from \$1,500 to \$2,000 a day, or about \$50,000 a month. The expenditure for the army is at a rate sufficient to swallow up about one-half of the entire revenue of the State from its 4-mill levy. The presence of the soldiers is itself an irritation, and the irritation is increased by the conduct of two or three of the officers, who seem to be on the ground as direct representatives of the governor and the mill trust to dispose the forces without regard to the opinions of General Chase, whose is in nominal command.

The legislature is in session and it is the business of that body to take official notice of the situation. A petition was presented in the house yesterday, signed by a large number of citizens of El Paso County, protesting against the presence of the military. A majority of the house, voting almost strictly on party lines, refused the petitioners the courtesy of having their paper read. By a vote of 29 to 19 it was ordered laid on the table after only a few lines of it had been heard.

The legislature, or the senate, if the house will not act jointly, ought to appoint a committee to visit the scene of the trouble immediately and report.

Matters will come to a focus in the Cripple Creek district on Monday, and a strike on a number of mines in that district may result if the mill difficulty is allowed to drift without action by the governor or the legislature. It will be no less than a crime against the people if both the executive and legislative branches of the State government do nothing toward securing an adjustment.

The Denver Post contains the following in its issue of March 6:

This is the telegram sent to the Colorado City mill managers by the Denver Post:  
 "Are you willing to submit to arbitration the trouble between your company and the mill workers employed by you, the arbitration board to be appointed by joint arrangement of parties involved? Please answer at our expense.

"THE DENVER POST."

This is the reply:

"There is no trouble between our company and mill workers employed by us. Our employees are now and have been perfectly satisfied with wages and treatment. Wages paid by us more and hours of labor less than ore reducing plants with whom we compete. Our employees don't ask to arbitrate. Our plants are full handed, and all our employees and plants require is protection from the violence of outsiders not employed by us. We would be pleased to have your representative visit our plants and fully investigate.

"C. M. MACNEILL,

*"Vice-President and General Manager*

*"United States Reduction and Refining Company."*

In the same issue of the Post the following editorial appears:

C. M. MacNeill, stand up!

Was not this telegram of yours indorsed by the other mine managers?

Is it not true that it is a subterfuge?

Is it not a brazen falsehood from beginning to end?

Is it not a carefully worded telegram, prepared to hoodwink the people of Colorado?

Is it not intended to make the people believe the mill managers are more sinned against than sinning?

Are you not laughing at your own cunning and flattering yourself that you have made a master stroke and have fooled the people?

Your answer to each of these questions, if you are truthful, must be:

"Yes."

Read your own telegram, Mr. MacNeill.

"There is no trouble between our company and mill workers employed by us."

Is it not a fact that your employees are on a strike?

You must answer "yes."

"Our employees are now and have been perfectly satisfied with wages and treatment."

Is it not a fact that your wages were so low that the men were hungry more than half of the time?

Is it not true that your employees were forced to pay insurance and medical assessments and trade in your stores?

Is it not true that many of your employees were forced to live in tents because you would not pay them enough to pay for a house?

To each of these questions you must answer "yes."

"Wages paid by us more and hours of labor less than ore-reducing plants with whom we compete."

You know that is a barefaced lie, don't you?

Is it not a fact that the Woods Investment Company pays higher wages for less hours of work than do you?

Answer "yes."

"Our employees don't ask us to arbitrate."

Is it not a fact that they have offered to arbitrate and you refused?

Is it not a fact that you say "there is nothing to arbitrate" to these men?

Is it not a fact that you are trying to break the union?

Is it not a fact that you have refused and do refuse to recognize the rights of men to organize?

Do you not know this right is guaranteed by the Constitution of the United States, that gives to every man the right of liberty and pursuit of happiness?

Do you not know that you are seeking to deprive these men of their liberty and deprive them of their happiness by grinding them down to the level of serfs?

You must answer "Yes" to these questions or tell a deliberate lie.

"Our plants are full-handed, and all our employees and plants require is protection from the violence of outsiders not employed by us."

Do you not know that lies teem in every word of that sentence?

Craftily as you have couched that sentence, do you not know that it will not fool the people of Colorado?

Is it not a fact that your plants are not full-handed?

Is it not a fact that there has been no violence?

Is it not a fact that you had the troops called out knowing that there had been no violence?

Did you not have the troops called out to awe men who were asking only that you pay them money enough for their labor to allow them to live decently?

Is it not a fact that citizens of Colorado Springs and Colorado City to the number of hundreds have signed petitions to Governor Peabody declaring that there was no violence?

Do you not know that these troops are costing the State of Colorado \$2,000 a day and that there is absolutely no use of them in Colorado City?

Is it not a fact that you have those troops there just to excite violence?

You must answer "Yes."

Is it not true that your company has \$12,000,000 of watered stock and you pay dividends on starvation wages?

Answer "Yes."

Don't you know that you must answer "Yes" to these questions?

This is what the Western Federation of Miners stands for:

"To secure compensation fully commensurate with the dangers of our employment and the right to use our earnings free from the dictation of any person whomsoever."

Do you not indorse that for yourself personally?

Answer "Yes."

Is there any reason why every man should not indorse that?

You must answer "No."

Here is another point the miners stand for:

"To establish as speedily as possible, and so that it may be enduring, our right to receive pay for labor performed in lawful money, and to rid ourselves of the iniquitous and unfair system of spending our earnings where and how our employers, or their agents or officers, may designate."

Is that not right?

Will you consent to anybody dictating to you how or where or when you will spend your salary?

Here is another point the miners stand for:

To use all honorable means to maintain and promote friendly relations between ourselves and our employers, and endeavor by arbitration and conciliation or other pacific means to settle any difficulties which may arise between us, and thus strive to make contention and strikes unnecessary.

Does this not show that your employees are ready to arbitrate?

Is it not an honorable and fair stand for a man or men to take?

You must answer "Yes."

Mr. MacNeill, stand up.

You are the Baer of Colorado.

The Cripple Creek Daily Press, of March 11, 1903, contained the following editorial:

You were elected by the people of the State of Colorado, and when you took the oath and assumed the duties of the office you did so as the servant of the whole people.

Your acts during the past few days incline to the belief that you are not aware of this. You are evidently laboring under the impression that you are the servant of the corporations.

As chief executive you are commander of the State militia, and, as such, are directly responsible for the acts of the militia in the field on duty at your command.

You stated that the militia was sent to Colorado City to preserve the peace.

Don't you know that your soldiers are doing all in their power to incite the strikers to riot?

Don't you know that your soldiers are every day violating the law they are supposed to enforce?

Don't you know that the soldiers have confiscated the property of the strikers without process of law and have refused to return said property to its rightful owners?

Don't you know that citizens have been denied the right of the public domain by the militia?

Don't you know that you are keeping the militia there when it is altogether uncalled for and unjustifiable?

Don't you know that one of your officers invaded the strike headquarters and abused the men found there and was very profane in his language and ungentlemanly in his conduct, and that his language was calculated to stir up strife and incite the

men to some act whereby he might have some justification for keeping the troops there?

Don't you know that this same officer has stated he would picket with soldiers the homes of the strike leaders, and don't you know that such an act would be wholly contrary to the spirit of the Constitution, which guarantees every citizen the right of life, liberty, and the pursuit of happiness?

Don't you know that your acts have been contrary to law and justice?

If you are not aware of these facts we take this method of informing you.

Now that you have been informed, what are you going to do about it?

Are you going to permit this outrageous condition to disgrace the fair name of Colorado?

Are you going to be the governor of Colorado for the benefit of all the people or for the moneyed class?

You stated that no labor skate would be permitted to run your administration, but you did not state that no corporation skate could dictate your policy.

A great many believe that you are being influenced by corporation skates in connection with the strike of the Colorado City mill men.

And don't you believe they are fully justified in this belief?

Of course we do not expect you to reply to these questions, because your actions are all the reply that is necessary.

The mass meeting that was held in the Cripple Creek district, and the meetings of other organized bodies in various parts of the State, protesting against the military being held in Colorado City as a strike-breaking power, and the urgent demands that the differences be submitted to a board of arbitration, caused the governor to visit Colorado City on the afternoon of March 11.

The Denver Post in its issue of March 12, after the governor had returned to Denver from Colorado City, had the following to say editorially:

#### THE PEOPLE WANTED ARBITRATION, NOT MILITARY REVIEW.

If Governor Peabody did not want his visit to the scene of the strike at Colorado City to result in honest arbitration, he took exactly the right course.

He visited with the military. He had a heart-to-heart consultation with the mill owners. He talked familiarly with the "strike-breakers," usually known as scabs.

But he failed to have anything to do with the men whose wrongs are the cause of the strike. He neglected to consult with the citizens who know both sides of the case.

What the people of Colorado want is arbitration. The governor gave them a military review. What the strikers want is justice. The governor gave them the cold shoulder.

Does the governor court the worst?

The Rocky Mountain News had the following editorial in its issue of March 14:

#### SOME ADVICE BY REQUEST.

Governor Peabody said yesterday that the News had been criticising him so freely that he would like the paper to tell him what it thought he should do to bring about arbitration of the Colorado City strike.

Whether the governor's expressed wish was an outburst of petulance or was caused by a real desire to receive a suggestion, the News does not know, but it will try to give the best advice it can.

The first thing the governor should do to bring about arbitration is to believe that there ought to be arbitration, and then to act as if he believed it. So far as the press and public have been able to discover from the governor's words and actions, he has never given any intimation to the mill owners that he thought they should recognize the union and arbitrate the differences. Never has he made any declaration to the public that he thinks there should be arbitration.

As a first step toward facilitating arbitration, let him make the public statement that he thinks the mill owners should accept the proposal of the Western Federation of Miners and that they will deserve to be condemned if they fail to accept it.

The governor should understand that the people of this State, almost without exception, look on him as a partisan of the mill owners and think that the mill

owners would have agreed to arbitration long ago were it not that they expect to have his full support whether they be right or wrong. This belief in the minds of the people may do the governor an injustice, but if it does he is responsible for it, and he only can remove it.

The conviction that the governor stands with the mill owners took deep root when he called out the National Guard and rushed it to Colorado Springs. Manager MacNeill, of the mill trust, came to Denver carrying in his pocket the request of Sheriff Gilbert for troops. Nobody had any idea that troops were to be asked for. There had been no disorder to warrant their entry on the scene. The sheriff of El Paso County had made no effort to employ the peace force of the county. The municipal authorities of Colorado City were prepared alone to keep order.

But the governor and Manager MacNeill went into private conference and when they came out the order to the troops came with them. The governor did not go to Colorado City himself. He did not send anybody to investigate. He took the ex parte statements of the manager of the mill trust and the request of an incompetent sheriff as his warrant for sending a small army to Colorado City at an expense of over \$1,500 a day to the State.

Then the governor pushed aside the recognized officers of the National Guard and gave some kind of a personal commission to Sherman Bell and James H. Brown, both of whom have conducted themselves in exactly the right way to provoke trouble. The appointment of Sherman Bell to be adjutant-general of the State troops, beginning in April, is itself an indication of the most extraordinary ignorance or recklessness on the part of the governor. A harebrained adventurer like Bell is about the last man in the State who should be placed in a position so responsible as that of adjutant-general.

The public conviction as to the governor's mental attitude was fixed by his recent trip to the scene of the strike. He talked with the men working in the mills, but refused to go to a meeting of the strikers to which he was invited. Instead of spending the evening talking with the strikers and learning their opinions, he chose to hold a social function in the Antlers Hotel. At another time a public reception in the Antlers would have been in good taste. Under the circumstances which took the governor to Colorado Springs it was in the worst possible taste, and no man with an ounce of good judgment in public affairs ever could have been led into such an indiscretion.

If the governor has any wish to invite public confidence in himself and his administration, he will recall Bell and Brown from Colorado City, revoke Bell's appointment as adjutant-general, and require Brown to confine himself strictly to the duties of his proper rank in the guard.

The proposition of the union is that the mill owners shall select one arbitrator, the Western Federation the second, and those two the third, the finding of the board to be binding on both sides.

If the governor believes that proposition to be fair, let him say so.

Then let the governor notify the mill owners that if they will not accept that proposition at the meeting this afternoon he will withdraw the National Guard from Colorado City and will issue a statement to the public saying that the mill owners are not disposed to be fair.

If the governor will take that attitude an agreement to arbitrate will be reached before to-day's sun goes down. If he says there must be arbitration there will be arbitration.

The citizens of Colorado City to the number of more than 600 signed a petition, which was presented to the governor requesting that the State militia be recalled, but the governor remained as adamant to the petition. Various petitions from different parts of the State flooded the legislature, which was then in extra session, demanding that the troops be recalled.

The governor could no longer maintain his position that "there was nothing to arbitrate." Public sentiment became so strong that he was forced to use his office in bringing together both parties to the controversy. The governor requested the mill managers and the representatives of the Federation to meet at his office in the afternoon of March 14 for the purpose of obtaining further personal information. The Federation was represented by President Moyer and Secretary-Treasurer Haywood, who secured the temporary services of an attor-

ney. The mill owners were represented by their managers and attorneys. The conference lasted from 2 o'clock Saturday afternoon until 3 o'clock Sunday morning, with the following results:

Terms of the Portland mill:

First. That eight hours shall constitute a day's work, in and around the mills, with the exception of the sampling department, which may extend to ten hours per day.

Second. That in the employment of men by this company there shall be no discrimination between union and non-union labor, and that no person shall be discharged for reason of membership in any labor organization.

Third. That all men now on strike shall be reinstated within twenty days from Monday, the 16th day of March, A. D. 1903, who shall have made application for work within five days from said date.

Fourth. That the management of the Portland Gold Mining Company will receive and confer with any committee of the Colorado City Mill and Smeltermen's Union, No. 125, at any time within said twenty days upon the subject of a scale of wages.

Dated at Denver, Colo., this 14th day of March, A. D. 1903.

FRANK G. PECK,

*For the Portland Gold Mining Company.*

CHARLES MOYER,

*For Mill and Smeltermen's Union.*

Terms of the Telluride Mill:

First. That eight hours a day shall constitute a day's work in and around the mills, with the exception of the sampling department, which may be extended to ten hours per day.

Second. That in the employment of men by this company there shall be no discrimination between union and nonunion labor, and that no person shall be discharged for reason of membership in any labor organization.

Third. That all men formerly employed by the Telluride Reduction Company shall be reinstated in the same positions which they occupied in the mill at the time it closed down, it being understood that in the new mill now under construction by the Telluride company that there will be certain positions in the new mill which did not exist in the mill as formerly operated, and that the agreement of the Telluride company to the reinstatement of men shall apply to the positions in the new mill which were in existence in the old mill.

Fourth. That the management of the Telluride Reduction Company will receive and confer with any committee of the Colorado City Mill and Smeltermen's Union, No. 125, within any time after thirty days from the date upon which the mill is placed in operation to consider a wage scale.

Fifth. The Telluride Reduction Company further agrees that during the period of construction of this mill that it will employ as many of its old employees as it finds practicable so to do.

Manager MacNeill, of the Standard mill, who had at all times maintained a stubborn attitude, practically forced himself out of the conference with the Portland and Telluride mill managers. President Moyer and Secretary-Treasurer Haywood, at the request of the governor, accepted an invitation to meet the manager of the Standard mill on Sunday, March 15, at 11 o'clock. The meeting took place at the governor's office, but all efforts on the part of the Federation representatives to bridge the gulf were unavailing. Manager MacNeill refused to reinstate the strikers, made no mention of the wages he would concede to his employees, nor would he consent to a recognition of the union.

The governor agreed that he would withdraw the State militia providing the Western Federation of Miners would withdraw the suits that were entered against officers of the Colorado National Guard. If the representatives of the Federation had refused to accede to the demands made by the governor, the people of Colorado would have had the inestimable privilege of continuing to donate \$1,500 per day as an expense account for soldiers on dress parade.

After it became known that the Telluride and Portland mill managers and the representatives of the Federation had arrived at a satisfactory settlement there was general rejoicing, but amidst the jubilation there could be heard strong words of denunciation for Manager MacNeill of the Standard, who repudiated with haughty arrogance the reasonable demands of the Federation representatives.

The governor failed to keep his promise that he would immediately withdraw the troops, and the delay of the governor in issuing his order recalling the State militia caused the following to be issued from the headquarters of the Western Federation of Miners on March 17:

The representatives of the Western Federation of Miners, since the strike was declared at Colorado City, have at all times held themselves in readiness to confer with the mill managers for the purpose of bringing about an amicable adjustment of differences. Formonths previous to the strike the officers of the Federation labored early and late to bring about an honorable settlement which would prevent any open rupture between the mill managers and their employees. The officers of the Federation have given a respectful hearing to representatives in all departments of business and at all times have shown a disposition to submit their grievances to a board of arbitration. Had the mill managers manifested as earnest a desire to pour oil upon the troubled waters as the Western Federation of Miners, the people of the State of Colorado would never have been compelled to forward protests against the executive of the State for his loyalty to corporate interests.

The governor, toward the close of the interview Sunday morning, admitted without any solicitation that the representatives of the Western Federation of Miners had gone more than three-fourths of the way and had been more than fair in bringing about a settlement, and that he would at once issue an order to withdraw the troops. The governor admitted, after his personal investigation of affairs at Colorado City, that he was unable to connect the strikers with any violation of law. In the interview that was held Sunday at the governor's office to arbitrate with Manager MacNeill the governor receded from his former agreement to withdraw the troops. He asked the representatives of the Western Federation of Miners for a further concession, namely, that he would immediately withdraw the troops providing that the Federation would withdraw all suits against the officers of the State militia. The representatives of the Federation were again magnanimous and accepted the proposition of the governor.

The governor intimated that we promised there would be no strike in the Cripple Creek district. It would have been impossible to have made this promise while MacNeill refused to recognize the Western Federation of Miners. He refused to arbitrate and is largely responsible for the situation that confronts the people of the Cripple Creek district.

Charles Moyer, the president of the Federation, took his departure for the Cripple Creek district on the afternoon of March 16 to hold a conference with the members of District Union No. 1 as to future action in reference to the Standard mill, whose manager absolutely refused to recognize the Western Federation of Miners or their representatives in the settlement of the strike.

President Moyer, after arriving in the Cripple Creek district, immediately went into conference with the district members, and it was agreed at said conference that the mines that were shipping ore to the unfair mills should be requested to refrain from so doing or that the men on such mines would be called out. The conclusion arrived at by the meeting was not put in execution until 4 o'clock in the afternoon of March 17, at the request of a committee of business men, who labored with MacNeill for a settlement of the strike. The committee of business men failed to induce MacNeill to accept the terms proposed by the representatives of the Federation, and the ultimatum of District No. 1 went into effect.

On March 17 the governor issued an order recalling the troops, and on March 19 the State militia returned to their homes, and on the latter-mentioned date the governor appointed an advisory board to secure all the information obtainable from both sides of the controversy and to make a full and detailed report of their conclusions in the premises. The advisory board that was appointed by the governor as a committee of investigation resolved itself into an arbitration tribunal, regardless of a protest entered by the Western Federation of Miners. This protest was based upon the grounds that the Federation had no voice in the selection of the advisory board.

The advisory board, on reaching Colorado Springs, went into a conference with the representatives of the Mine Owners' Association. The conference lasted several hours behind closed doors, and after adjournment nothing was divulged as to the results of the meeting.

The advisory board met with the strikers on the night of March 26 in Knights of Pythias hall in Colorado City, and after listening to several addresses from the members of Mill and Smeltermen's Union, the meeting adjourned.

The advisory board, on the 27th of March, received testimony from the strikers. The evidence presented to the board showed a condition in Colorado City that almost beggars description. It was proven beyond the shadow of a doubt that the employees of the mills were unable to support their families on the miserable wages of the mill trust. The testimony was of a character that made the coal barons of Pennsylvania look like philanthropists.

A committee of mining and business men of the Cripple Creek district visited Colorado City in the afternoon and presented a proposition to President Moyer to the effect that the strikers would be taken to the Cripple Creek district and given employment, providing the strike was declared off. The proposition was rejected by President Moyer and the Mill and Smeltermen's Union.

The Rocky Mountain News of March 28 had the following telegraphic report of the visit of the mining and business men's committee from the Cripple Creek district:

A committee arrived from Victor this afternoon and immediately went into conference with President Moyer and the union officials in Colorado City.

The committee was composed of Thomas Cornish, Frank Hart, Charles Lee, Nelson Franklin, J. B. Cunningham, and J. H. Gardner. They are business and mining men of the gold camp. Representatives of District Union No. 1 were present. John Harper, president of the Victor union; Dan Griffis, secretary, and H. Easterly came in the interests of the union at Victor.

The committee was firm in its efforts to bring about an adjustment. "We will put your men to work," they said to President Moyer, "pending the time Mr. MacNeill will take to reinstate your men. We can find room for 100 or more. Mr. MacNeill has given a verbal promise to reinstate your men and will do so. He dare not do otherwise in the face of public sentiment in this State. We can guarantee the reinstatement of your men. By next Monday morning every man now on strike will be given work in the Cripple Creek district if you will but say the word."

Mr. Moyer and the union officials wished a written statement. If Mr. MacNeill is willing to reinstate the men they consider that he should say so, not only verbally, but that it should be one of the stipulations in the agreement. He should do as the managers of the Telluride and Portland mills have done, and insert a positive clause as to when the men will be reinstated. Mr. Moyer said: "We want to know that our men will be reinstated. Let Mr. MacNeill do as Mr. Peck and Mr. Fullerton have done, and insert the time limit. All we want is the change in the clause which specifies as to when the men shall be put to work. Our men have homes here, and they will not leave."

The following ultimatum was delivered by President Moyer, of the federation, on March 31 to Charles D. Hayt, chairman, and members of the advisory board:

GENTLEMEN: The Western Federation of Miners since its birth has never ignored the rights of any element of society. It has been the disposition of the organization to avoid, by all honorable means, a war between the employer and employee.

We realize that when capital and labor confront each other on the industrial battlefield that various interests suffer through a long and protracted struggle. The aim of our organization is to build and not destroy.

We appreciate the efforts of the operators and the business men of the Cripple Creek district who have demonstrated their amity in cooperation to avert a struggle that may paralyze the industries of Colorado.

The Western Federation of Miners entertains for many of the mine managers of the Cripple Creek district the highest regard, and are not ungrateful for the fairness and justice that have prevailed in the far-famed mining district since the days of 1894. It is our desire that the cordial and friendly relations that have existed for years between the miners and their employers of the Cripple Creek district shall not be disrupted if it is possible to maintain such relations by an honorable adjustment of the present differences.

The propositions submitted to the Western Federation of Miners by Manager MacNeill are vague and misleading. While his propositions may have the veneer of a disposition to act honorably and fairly with the members of the Mill and Smeltermen's Union No. 125, they admit of interpretations that question his intentions of dealing justly with organized labor in the future. It seems that his propositions have been drafted to furnish loopholes through which he might escape if emergencies arose.

The Western Federation of Miners can not accept, in honor to the organization, the propositions as presented by Manager MacNeill. The acceptance of Manager MacNeill's basis of settlement would be dishonorable to the managers of the Portland and Telluride mills, who have met the Federation on fair ground and honorably adjusted the differences of contention.

But while we refuse to accept the conditions of settlement as we interpret them from the propositions set forth by Manager MacNeill, we will demonstrate our feeling of appreciation for the public, the business interests of Colorado, and the advisory board who have labored zealously to bring about an amicable settlement.

The chairman of the board, in an official communication addressed to the public, expresses the belief that the differences seem one of form as to the agreement rather than upon the result which we think will be certain to follow if either of the propositions shall be adopted.

The chairman and the members of the advisory board have certainly placed a charitable construction on the propositions of Manager MacNeill; the Western Federation of Miners, to be as magnanimous and as generous in the construction of Manager

MacNeill's propositions as the advisory board, are willing that you place Manager MacNeill on probation and give him until the 18th day of May, 1903, to carry out the beliefs and impressions of the advisory board.

You may give him a fair trial and an opportunity to reinstate the men involved and thereby prove his sincerity as to his conduct toward organized labor in the future.

We grant this concession in appreciation of those who have assisted and dealt fairly with us and whose interests would suffer through a prolonged struggle.

We make this concession in appreciation of the advisory board and of those parties who have interested themselves to prevent an industrial conflict.

CHARLES H. MOYER.

The ultimatum of President Moyer was presented to Manager MacNeill by the advisory board, and the strike which lasted a period of forty-seven days passed into history.

The refusal of the governor to incorporate in his call convening the legislature in extra session a recommendation for the enactment of an eight-hour law resulted in the smeltermen of Denver presenting the following petition to the manager of the American Smelting and Refining Company:

DENVER, COLO., June 17, 1903.

*To the American Smelting and Refining Company:*

We, your employees, holding membership in the Denver Mill and Smeltermen's Union, No. 93, W. F. M., desire to call your attention to the fact that thousands of the members of our organization are enjoying the privilege of an eight-hour workday, and are receiving for the same a compensation in many instances far above that now being paid by your company for ten and twelve hours for the same class of labor. Not only is this so, but the large majority of workmen engaged in producing the ores which are reduced in the smelters operated by your company are working but eight hours and are receiving for the same a wage exceeding that of the highest paid twelve-hour workmen employed in said smelters.

After due consideration we have concluded that, owing to the hazardous and unhealthful nature of our employment, we are at least entitled to the same condition and system of working as others employed in the production and reduction of ores, and hereby request that beginning July 1, 1903, a day's work, which now consists of ten and twelve hours in and around the smelting plants known as the Globe and Grant, located in the city of Denver, be reduced to eight hours.

We believe this request to be a just and righteous one and sincerely trust that your company may see the way clear to granting the same.

Respectfully,

[SEAL.]

JOE SCOTT,  
ANTONE STANSKE,  
ROBERT WITHERS,  
PATRICK F. HAMAWAY,  
WILLIAM L. SMITH,  
HANS OLSON,  
CHARLES NARDIS,

*Committee.*

The petition was ignored, and a strike of the Denver smeltermen followed on the 3d of July. The American Smelting and Refining Company immediately applied for police protection and later secured an injunction, notwithstanding the fact that this company had not complied with the laws of Colorado and were not entitled to equity in the courts of the State. In substantiation of the statement we submit the following:

SEC. 11. Every corporation, joint stock company, or association incorporated by or under any general or special law of this State, or by any general or special law of any foreign State or kingdom, or of any State or Territory of the United States, beyond the limits of this State, shall, within sixty days after the 1st day of January in each year, commencing with the year 1902, make and file an annual report in the office of the secretary of state.

24 STATEMENT OF THE WESTERN FEDERATION OF MINERS.

DENVER, COLO., July 16, 1903.

This is to certify that the American Smelting and Refining Company, a foreign corporation, capitalized for \$100,000,000, has not paid their annual State corporation license tax for the years 1901, 1902, and 1903.

[SEAL.]

JOHN A. HOLMBERG,  
*Auditor of State.*

STATE OF COLORADO,  
*Office of the Secretary of State.*

UNITED STATES OF AMERICA, *State of Colorado, ss:*

I, James Cowie, secretary of state of the State of Colorado, do hereby certify that I have caused the indices of this office to be carefully examined, and do not find that the American Smelting and Refining Company has filed an annual report for the year 1902.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this 16th day of July, A. D. 1903.

JAMES COWIE, *Secretary of State.*  
By TIMOTHY O'CONNOR, *Deputy.*

In order to prove that the American Smelting and Refining Company was one of the chief factors in bribing the legislature and defeating the enactment of an eight-hour law we submit the following:

DENVER, COLO., February 3, 1903.

DEAR SIR: Pursuant to your request that you be kept advised of the situation in Colorado State legislature in regard to proposed legislation, we beg to inform you that the Senatorial contest being now out of the way, both branches of the legislature have settled down to the other business of the session.

Several bills have been introduced providing for an eight-hour law in respect to labor employed in smelters and underground mines. These bills are being vigorously contested by the American Smelting and Refining Company, the Colorado Fuel and Iron Company, and other corporations more directly interested in defeating the measure than is the Union Pacific Railroad Company. We think the contest will be a close one in respect to these measures, as the labor element is still very powerful in the politics of this State. We think the bills above mentioned are all so far introduced which are prejudicial to the company's interests, directly or indirectly.

Very truly, yours,

TELLER & DORSEY,  
*General Attorneys.*

HORACE G. BURT, Esq.,  
*President, Omaha, Nebr.*

We make the claim that the American Smelting and Refining Company is in a better position to-day to accede to our demands than it has been for several years. The perfecting of machinery and the displacement of labor which has been brought about through inventive genius has enabled the smelting trust to treat ores cheaper than ever in the history of the country.

On Monday, August 10, the miners of the Cripple Creek district responded to the call of the district union and threw down the implements of their hazardous vocation. The walkout in the Cripple Creek district has been the result of the arbitrary action of the United States Reduction and Refining Company in the treatment of members of the Western Federation of Miners.

The commission, together with the business men of the Cripple Creek district, made eloquent pleas to the committee who had charge of the strike to place the manager of the mill trust on probation, actuated by the belief that Mr. MacNeill would grant ultimately the demands of the Western Federation of Miners. President Moyer declared an armistice until the 18th of May. When the delegates met in the eleventh annual convention of the Western Federation of Miners on the 25th of May, the situation was minutely surveyed, and the con-

sensus of opinion was unanimous that the mill trust antagonized every principle of organized labor, and that Manager MacNeill had no intention of giving the slightest recognition to the demands of the Federation.

The members of the Cripple Creek District Union No. 1 exhausted every effort to bring about an amicable adjustment of differences that would be fair and honorable between employer and employee, but failed to clear the sky of the storm that was gathering and which has now burst between organized labor and organized capital.

The Denver Post, in its issue of August 11, under the caption of a "Page of history that won't stay turned down," has the following to say:

Impending in Colorado is what is believed to be the greatest fight ever waged between the mining interests and their employees.

Many blame this condition of affairs to corporate interests whose influence prevented the enactment of an eight-hour law by the fourteenth general assembly in response to the demand of more than 70,000 voters of Colorado. By a majority of more than 40,000 the people of Colorado demanded of the legislature an eight-hour bill in mine and smelter and kindred industries.

The political platforms of the Democratic and Republican parties declared in favor of an eight-hour law, and on this platform every one of the 65 members of the house and 35 members of the senate was elected.

In both house and senate the corporations got in their work in the beginning of the session. Although Stephen, a Republican, in the house, and Moore, a senator, introduced eight-hour bills—No. 1 in each branch—these bills were made light of and jobbed throughout the session of ninety days only to defeat the will of the people and obey the dictates of the corporations.

In the two political State conventions and in the State election the corporations were idle. They hid their time. They knew it was not necessary to spend money either in conventions or elections. They knew that it could be done easier in the legislature. How well the representatives of the corporations had gaged the situation is apparent. They were successful in keeping down an eight-hour day.

The Stephen bill included "underground workings attending blast furnaces in smelters or ore-reduction works, stamp mills, chlorination or cyanide mills, leaching works, attending smelting furnaces producing metal or matte." The Moore bill, included "underground mines and workings, smelters, chlorination or cyanide ore-reduction works and blast furnaces."

The introduction of two bills, one in the house and one in the senate, was only for confusion and as an excuse to dicker and fight through ninety days, so that the eight-hour law would fail and the demands of the people of Colorado could be ignored and the demands of the corporations granted.

While there is seemingly no connection between the various strikes and the labor troubles, all are traceable in a general way to this failure on the part of the legislature.

First came the strike of the Colorado City mills, when the governor rushed the troops to that point. There was a partial settlement of this trouble and the men returned to work.

Numerous minor strikes in scattered mines followed, including one in the Sun and Moon in Idaho Springs, and then the men in the Globe and Grant smelters in Denver, numbering 1,000, walked out.

Starting Monday was the walk out of miners in the Cripple Creek district, and now comes word from Telluride that the miners of the San Juan district, commenting on the mistakes of the legislature, have demanded that they be given an eight-hour day not later than September 1.

There is no doubt that the demand of the San Juan miners will be refused, resulting in a general walk out of the men in that district. That the trouble will spread to every mine and kindred industry in Colorado there can be no doubt.

This means idleness for thousands of men; loss of millions of dollars to the State; crippling of every business in Colorado.

This demand for an eight-hour law dates back a dozen years, when the miners' and smeltermen's union requested an eight-hour day. Out of this request, indirectly, perhaps, grew the troubles in Leadville, the Cripple Creek district, the Telluride district, Aspen, and other districts, the smelter strikes, and other difficulties. It was to forever end these differences that the miners and smeltermen brought about the submission to the people for an eight-hour day that peace might be guaranteed. The request was indorsed by a majority of more than 40,000 votes, but the corporations defeated it in the legislature.

Realizing now that they can not hope to secure from the legislature needed relief, the miners and smeltermen of the State have taken the matter in charge, the result of which will be the greatest struggle ever waged in this or any other State between the unions on one hand and the allied corporations on the other.

The document of the mine owners, introduced by Senator Scott, declares that "on account of the machinations and methods of the Western Federation of Miners, the metalliferous mining industry of the West has been in a chaotic state for a long period of years. That a person was operating his property one day under satisfactory conditions was no guaranty that he would be able to do so the next.

The Mine Owners' Association of the Cripple Creek district, on August 12, two days after the strike was called, issued a public statement, which contained the following:

At the time this strike was called and, in fact, ever since the settlement of the labor difficulties of 1894, the most entire harmony and good will has prevailed between the mine owners and employees in the district. Wages and hours of labor have been satisfactory and according to union standards, and general labor conditions have been all that could be wished.

It is strange that there is such a contrast in the document framed by the mine owners to be considered by the United States Senate and the public proclamation that was issued on August 12. With reference to the strike of 1894 the document of the mine owners contains the following:

The settlement was made, and the agreement of settlement has since been known as the "Waite agreement," as it was negotiated by Governor Waite on behalf of the miners' union. He was appointed by them for this purpose by power of attorney, and it is probably the only instance in the labor history of this country where the governor of a State has acted as the agent for the one party in a controversy of this character and has forced a settlement by virtue of his control of the military arm of the government.

In addition to the provisions ultimately inserted in the agreement, Governor Waite insisted that only union men be employed in the mines and that all strikers who had been engaged in acts of lawlessness should be immune from arrest. These two points were resisted by the operators and were finally waived. The agreement ultimately entered into and signed by Governor Waite as the representative of the union provided that eight hours should constitute a day's work, that the minimum wage about the mines should be \$3, and that there should be no discrimination against union men in the hiring and discharge of labor. This agreement has controlled the Cripple Creek district with regard to hours and wages ever since.

This statement of the mine owners is silent upon the matter of discrimination, and this silence is probably due to the fact that the Strong mine, in which Senator Scott is largely interested, as well as other mines, including the Ajax, the Elkton, and El Paso, made a specialty of discharging union men. It is a well-known fact that it has required eternal vigilance on the part of the unions of the Western Federation of Miners to maintain the partially fair conditions which existed prior to the present strike.

Some three years ago the mine operators met in a secret caucus in Colorado Springs and formulated a plan to merge the various mining properties into a foreign syndicate, ask for the appointment of a receiver, then reduce wages, and call upon the Federal Government for troops to assist them in the infamous scheme of violating the agreement of 1894.

The present strike has been one of the most remarkable that has ever been waged in the history of organized labor. During all the present conflict there has been no violence on the part of union men, and at all times the civil authorities were amply able to maintain law

and order until the advent of the State militia. President Moyer, in an address to the members of the Western Federation of Miners, on August 15, at Pinnacle Park, in the Cripple Creek district, counseled the miners in the following significant words: "I sincerely trust and advise that nothing be done during this trouble that will be in violation of the law. If men should feel it their duty to take a position against you who are striving to procure your rights you will do nothing but harm your position by resorting to violation of the laws."

Notwithstanding the fact that the strike had been in progress for nearly a month without any violation of law, yet the governor, on the 4th of September, dispatched Brig. Gen. John Chase, Lieut. T. E. McClelland, and the attorney-general of the State, N. C. Miller, as a commission to visit the Cripple Creek district and make known to him the findings of their investigations. The following, clipped from the Rocky Mountain News, will give an idea of the work performed by the commission:

The hasty departure of the governor's commission this morning satisfied the striking miners that the visitors had come to a conclusion to advise calling out the troops. The commissioners arrived at Victor last night at 9.30 and were met at the train by a committee from the Mine Owners' Association. After a consultation of about one hour the commissioners came to Cripple Creek, arriving here at 11.40. They were met at the depot and taken to the Mine Owners' Association headquarters. One hour later Sheriff Robertson was notified that he was wanted, and remained in conference for about two hours. A special train was then engaged and the three commissioners went over the Short Line to Colorado Springs, leaving at 4.10 this morning.

Union men were not consulted.

The following statement was issued by a unanimous vote of the board of county commissioners:

Whereas the board of county commissioners of Teller County have been advised that the governor of the State of Colorado has sent the militia to this county for the pretended purposes of suppressing a riot that does not now and never did exist, and to protect property and individual residents of the county that are not in danger; and

Whereas it has been falsely reported throughout the State that property and life were in danger in Teller County, now, therefore, the board of county commissioners of Teller County, do protest—

First. That the property and individuals are as safe in this county as elsewhere in the State.

Second. That the sheriff of Teller County is perfectly able to handle the situation here, and has been authorized by the board to employ any and all deputies necessary to protect property and life, which, in the opinion of the board, he is doing.

Third. That there has been no unusual assembly of men and no more violence than at other times. That the parties guilty of the late assaults will be apprehended by the civil authorities and prosecuted. The State troops can in no way aid in apprehending these parties.

Fourth. That the citizens of the county are law-abiding and are doing all in their power to avoid trouble.

Fifth. That the governor of this State, without cause therefor, has sent the militia to this county, and by so doing engenders ill feeling, prolongs the strike and does a great injury to the Cripple Creek mining district.

Sixth. It is the judgment of the board of county commissioners that the commission sent by Governor Peabody to this county to investigate the strike situation was not sent for an honest purpose, but as a cloak to cause the people of the State of Colorado to believe that the law officers of Teller County were unable to handle the strike situation.

This statement is made because the commission sent by the governor did not make an honest investigation of the situation. The commission reached here at 9.30 p. m. Thursday and left at 4 o'clock Friday morning, remaining in the camp less than eight hours.

Sheriff Robertson issued the following statement:

The commission sent by the governor of the State of Colorado to investigate the strike situation in Teller County called on me at midnight Thursday, the 3d instant. I went to the National Hotel, at Cripple Creek, reaching there at about 12.30 a. m. Friday. I was with the commission about two hours, and fully explained the situation. I stated to the commission that I had authority to employ all the deputies I needed and that I had the situation in hand; that I had made arrests, and was going to make more; that there was no trouble, and that I had every assurance that there would be none. But in three hours after I left the commission the members thereof departed for Denver, and I believe there is no occasion for the militia here, as I can handle the situation.

There is no trouble in the district, and has been none, as well as no unusual assembly of men. Saloons are closed at midnight. The sending of troops here is a usurpation of authority on the part of the governor. The action of the governor will have much to do toward injuring the district to such an extent that it will be a long time before recovery will be had. As sheriff of Teller County I do solemnly protest against the militia being sent here at this time.

H. M. ROBERTSON, *Sheriff*.

On the afternoon of September 5 a mass meeting was held by the citizens of Victor, and, after listening to addresses, the following resolutions were adopted and circulated for signatures, to be forwarded to the governor:

Whereas a certain detachment of the Colorado State Militia has already been landed in the Cripple Creek district, with others to follow; and

Whereas according to published statements of Adjutant-General Bell, printed this morning, martial law is threatened in every incorporated and unincorporated town of Cripple Creek district; and

Whereas the vilest sort of misrepresentation has been employed in the effort to have the camp invaded by military: Now, therefore, be it

*Resolved*, By the people of Victor and the entire Cripple Creek district, that we deplore the action taken by Governor Peabody in sending troops to Teller County, and condemn the same as unwarranted by the facts, and as anarchistic in its inception, spirit, and consequences.

We do hereby most emphatically protest against the threatened declaration of martial law in the community of Cripple Creek district as a further invasion of our rights and liberties as American citizens.

We protest that Mayor French, Postmaster Reardon, and Banker Rolleston, who corralled the governor's advisory commission while the same was on its brief and stealthy visit of "investigation" night before last, do not represent the people of Victor in asking for the State soldiery. The necessity has not existed for troops, and the people have not asked for them. Instead of being a lawless community, as a few high-toned anarchists seem to want the outside world to believe, the Cripple Creek district is one of the quietest and most peaceable of its size of any community in the country.

Two comparative trifling instances of lawlessness have occurred in the home camp since the miners' strike was declared, but these all fair-minded people will agree are liable to happen at any time and at any place.

We deprecate the strike that is now on, and upon this occasion do not wish to go into the merits of the unfortunate controversy, but we do wish to express our confidence in the ability of our county and city officials to maintain law and order and protect life and property.

In the Denver Post of September 5 the following statement was made:

Members of the Cripple Creek District Mine Owners' Association guaranteed the expenses of the troops ordered to the Cripple Creek district before Governor Peabody would agree to sign the order. He was not willing to order out the troops, despite the seeming urgency of the case, because of the financial condition of the State. He stated his position frankly, and the mine owners finally agreed to bear the expense of calling out the troops. They will ask the State to reimburse them later.

The estimate of the daily expense made yesterday is said to be far too low. During the first ten days the soldiers are entitled to \$2 per day. During that period, therefore, the average daily expense is expected to exceed \$2,000, and it may be as high as \$2,500. After ten days the daily expense will be reduced to from \$1,200 to \$1,500 a day.

Certificates of indebtedness will be issued drawing 4 per cent interest. They will be drawn against the military fund and the mine owners will cash them and carry the State—"it may be for years and it may be forever."

E. A. Colburn, president of the association, and W. A. Bainbridge, treasurer, made the agreement on behalf of the mine owners. Governor Peabody admitted yesterday that such an arrangement had been made, and said that inasmuch as no class of persons would derive more benefit out of the restoration of normal conditions in the district than the mine owners, he did not consider it unreasonable for them to pay the expense of the militia.

The mine owners do not relish having to pay the freight, believing that the State is required to maintain peace within its borders and protect the lives of its citizens and the property which they own. However, they decided that it would be better to pay the cost and resume production in their mines than to wait indefinitely and take chances on their property being damaged.

What the total cost will be is problematical. It is not likely to be less than \$40,000, and it may be much more than that.

Here is an open and direct confession from the governor of the State to the effect that if the mine owners were willing to pay for the use of the State militia, the armed power of the State was at their service. The governor, in his shameless disregard of the rights of the laboring classes, unqualifiedly and brazenly admitted that inasmuch as no class of persons would derive more benefit out of the restoration of normal conditions in the district than the mine owners, he did not consider it unreasonable for them to pay the expense of the militia.

The citizens of the city of Cripple Creek held a meeting on September 6, and after listening to able addresses in denunciation of the action of the governor, the following resolutions were adopted;

Whereas a detachment of the Colorado State militia have already been landed in the Cripple Creek district, with others to follow; and

Whereas, according to public statements of Adjutant-General Bell, martial law is present in every incorporated town in the Cripple Creek district; and

Whereas the greatest misrepresentation has been employed in the effort to have the camp invaded by the soldiery.

*Resolved*, By the people of Cripple Creek and the entire Cripple Creek district in mass meeting assembled in Cripple Creek this 6th day of September, 1903, that we deplore the action taken by Governor Peabody in sending troops to Teller County and condemn the same as unwarranted by the facts and most anarchistic in its inception and spirit, and consequently we do hereby most emphatically protest against the present declaration of martial law in the communities of the Cripple Creek district as a further invasion of our rights and liberties as American citizens.

We protest that those people who corraled the governor's advisory commission while on its brief visit of "investigation" Thursday night, do not represent the people of Cripple Creek in asking for the soldiery. The necessity has not existed for troops, and the people have not asked for them. Instead of being a lawless community, as a few high-toned anarchists seem to want the outside world to believe, the Cripple Creek district is one of the quietest and most peaceable for its size of any community in the country.

Two comparatively trifling incidents of lawlessness have occurred in the whole camp since the strike was declared, but these, all fair-minded men agree, are liable to happen at any time and at any place.

We deprecate the strike that is now on, and upon this occasion do not wish to go into the merits of the unfortunate controversy; but do wish to express our confidence in the ability of our county and city officials to maintain law and order and to protect life and property.

In addition to the protests of the sheriff of the county, the board of county commissioners, the city council of Victor, the citizens in mass meetings at Victor and Cripple Creek, a petition was circulated and signed by 3,000 citizens, which was presented to the governor, calling for the withdrawal of the military, but the petition was denied, as the mine owners were paying for the use of the soldiers, and the governor seemed to be under obligations to fulfill his contract. On September 10 two arrests were made without charges, warrant, or process of law.

From this time dates the reign of military mob rule in the State of Colorado which has called forth the resolutions introduced by Senator Patterson.

Even the chairman of the board of county commissioners, P. J. Lynch, who is a member of the Western Federation of Miners, was forced to suffer the humiliation of being taken from his home and brought to the military camp of Generals Chase and Bell to explain his conduct for daring to express his opinion as an American citizen. The liberty of every citizen who has not been in accord with the brutal programme of the Mine Owners' Association has been threatened. The judiciary, which law and all established precedent have declared shall be free and untrammelled, has been invaded by the military power of the State, and the judge upon the bench has been forced under protest to submit to the arrogant decrees formulated by the mine operators and enforced by the militia under the command of an executive who has subverted the highest office in the gift of the people of the State to serve the corporations in their brutal persecution of men for no crime save that they were members of the Western Federation of Miners and loyal to the principles proclaimed by that organization.

During the session of the district court the city of Cripple Creek bristled with bayonets and even a Gatling gun was taken from Camp Goldfield and placed in close proximity to the court-house, commanding all approaches. The roofs of buildings became the camping ground of sharpshooters, and the court room was filled with detachments of militia for the purpose of having an influence upon the decision of the court in the trial of the four men on writs of habeas corpus. John H. Murphy, attorney for the Western Federation of Miners, and ex-Attorney-General Eugene Engley protested in vain against the presence of an armed soldiery in the court room, but their protests were fruitless and they finally withdrew from the court, refusing to remain while the court was stacked with the implements of war. Judge Seeds, after listening to the lengthy argument of Attorney Crump in support of the position of the military authorities, took the same under advisement, and the next day rendered his decision, which denied the right of the militia to subordinate civil law or arrest citizens without warrant or process of law.

When the judge had finished the reading of his decision and ordered the military authorities to release the four men who were held as prisoners, General Chase arose in the court room and refused to comply with the order of the court. The prisoners were taken back to the military "bull pen," and in the meantime Governor Peabody called into consultation with him Judges Hayt and Helm, both of whom have occupied seats on the supreme bench of the State. After several hours of consultation an order was issued by the governor to the military authorities in the Cripple Creek district to comply with the order of the court, and the prisoners were released and permitted to return to their homes.

The State militia on the night of September 29 committed an outrage that is without precedent in the history of this country. The Victor Record, a daily paper published in the heart of the Cripple Creek district, championed the cause of the miners, and gave space in its columns for the publication of the official statements issued by the members of the executive board.

The printing establishment was raided by a band of arrogant mili-

tarists, and the editor and manager, George E. Kyner; Walter Sweet, circulator; H. J. Richmond, foreman; Frank M. Langdon, linotyper, and George Basham were "bull penned" by the Cossacks, whose dignity had been wounded by the publication of the truth. They were kept in the bull pen for a period of twenty-four hours before being delivered to the civil authorities on writs of habeas corpus.

During the latter part of the month of November military authorities in the Cripple Creek district practically placed the towns of Independence and Altman under martial law. Following the Vindicator explosion the following-named parties were arrested and placed in the military "bull pen:" Charles G. Kennison, W. F. Davis, John Schoolcraft, Gus Johnson, J. B. Isbell, Bob Rowland, Victor Poole, Harry Williams, Ed Fleming, H. P. Jones, Sherman Parker, Frank Chase, and Bob Adams. No one was allowed to enter or leave the towns of Altman and Independence and civil process was suspended.

The imprisonment of these men took place previous to the proclamation issued by the governor declaring qualified martial law in Teller County. On December 4 the following came from the executive chamber of the State:

SPECIAL ORDER NO. 543.

DECEMBER 4, 1903.

Maj. H. A. NAYLOR,  
*Commanding Officer Troops, Cripple Creek District,  
Teller County, Colo., Camp Goldfield, Victor, Colo.:*

You will proceed with a cavalry escort of 50 men and have Maj. Tom E. McClelland accompany you and read aloud the following proclamation in the city of Victor first, Goldfield second, Independence third, Altman fourth, Cripple Creek fifth, and Anaconda sixth, namely:

STATE OF COLORADO, EXECUTIVE CHAMBER, *Denver:*

#### PROCLAMATION.

Whereas it appearing to my satisfaction that there exists in Teller County, Colo., one or more organizations controlled by desperate men, who are intimidating the civil authorities, and who are setting at defiance the constitution and laws of the State of Colorado, and that the citizens of said county of Teller by reason of the threats, intimidations, and crimes committed by certain lawless persons in said county are unable to enjoy their civil rights; and

Whereas the civil authorities of said county of Teller do not appear to be either able or willing to control such bodies of men, or prevent the destruction of property and other acts of violence; and

Whereas on Saturday, the 21st day of November, A. D. 1903, in said Teller County, State of Colorado, certain persons, at present unknown, did then and there blow up the shaft of the Vindicator mine, and thereby wantonly destroyed property of great value; and

Whereas at said time and place two employees of said mine were instantly killed by said explosion; and

Whereas but a few days previous thereto an attempt was made by certain lawless persons to derail and wreck a passenger train of the Florence and Cripple Creek Railroad by the removal of spikes and the loosening of rails, thereby endangering life and property; and

Whereas said destruction of property, with attendant loss of life by mob violence as above set forth, is but a repetition of outrages covering a long period of time just passed in said county, during which time citizens have lost their lives without the offenders being apprehended or punished therefor; and

Whereas the civil authorities have shown themselves either unable to deal with these criminals and to bring them to punishment or else are unwilling to perform their duty by reason of threats and intimidations or through fear or subserviency to such body of lawless and armed men, so that a state of lawlessness exists in said county of Teller, the laws are set at defiance, and the citizens are unable to enjoy

the rights guaranteed them by the constitution and laws of this State, and by reason of these conditions it appears that life and property are unsafe in said county; and

Whereas I have reason to believe that similar outrages may occur at any time, and believing the civil authorities of said county of Teller are utterly unable, unwilling, and making no practical attempt to preserve order and to protect life and property:

Now, therefore, I, James H. Peabody, governor of the State of Colorado, by virtue of the authority in me vested, do hereby proclaim and declare the said county of Teller, in the State of Colorado, to be in a state of insurrection and rebellion.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the State in the city of Denver, the State capital, this 4th day of December, A. D. 1903.

[SEAL.]

By the governor—

Attest:

JAMES COWIE, *Secretary of State.*

JAMES H. PEABODY.

SHERMAN M. BELL,

*Brigadier-General, Adjutant-General, State of Colorado.*

By command of James H. Peabody, governor and commander in chief.

Previous to the issuance of the above proclamation the following telegram was sent to the President of the United States:

DENVER, *December 1, 1903.*

His Excellency, THEODORE ROOSEVELT,

*President of the United States, Washington, D. C.:*

At the present time officers of the State of Colorado, under the guise and pretext of enforcing law, have ordered a large number of reputable and self-sustaining citizens and residents to leave Telluride, Colo., under penalty of being imprisoned or otherwise severely dealt with. These citizens and residents are not guilty of any crime against the laws of the State or United States. The Constitution and laws of the United States pertaining to civil rights are being flagrantly violated, and we call upon you under the civil rights statutes and under section 1988 of the Revised Statutes of the United States to investigate conditions prevailing there and give to these persons who have been so outraged the protection guaranteed to them by the law of the land.

EXECUTIVE BOARD, WESTERN FEDERATION OF MINERS.  
By WILLIAM D. HAYWOOD, *Secretary.*

The section of the revised Federal statutes referred to in the telegram reads:

SEC. 1988. Whenever the President has reason to believe that offenses have been, or are likely to be, committed against the provisions of chapter 7 of the title "Crimes," within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons so charged, and it shall be the duty of every judge or other officer when any such requisition is received by him to attend at the place and for the time therein designated.

The following appeared in the press dispatches in reference to the telegram forwarded to President Roosevelt by the executive board of the Western Federation of Miners:

WASHINGTON, *December 2.*

President Roosevelt to-day received a telegram from the executive board of the Western Federation of Miners strongly urging him to protect the rights of the miners who have been ordered to leave the Telluride district in Colorado on penalty of imprisonment. The matter is in the hands of the State authorities of Colorado, and it does not appear at this time that the Federal Government, through the President, can properly take action on it. The Secretary of War, who was consulted by the Colorado authorities, has expressed the opinion that the Government can not interfere legally in the trouble in the Telluride district at the present juncture. Among officials who have considered the subject, it is believed that the rights of the miners will be protected fully by the courts.

Secretary-Treasurer Haywood was likewise instructed to send the following telegram to the president of the Telluride Miners' Union:

DENVER, *December 1, 1903.*

GUY E. MILLER,

*President Telluride Miners' Union, Telluride, Colo.:*

Advise all men who were ordered to leave town as a result of alleged vagrancy trials to remain in Telluride. The justice of the peace, nor any other official of the county or State, can not compel persons to leave any place where they choose to live. The Constitution and statutes of the United States concerning civil rights make it unlawful for officers to deny these rights. Howe, Rutan, and others are subject to punishment in the United States courts, and the law will be duly invoked. You are assured of the hearty support of the Western Federation of Miners.

EXECUTIVE BOARD.

By WILLIAM D. HAYWOOD, *Secretary.*

The Western Federation of Miners has at all times courted the fullest investigation of conditions, as the following telegrams will show:

DENVER, COLO., *December 5, 1903.*

HON. HENRY M. TELLER,

*United States Senator, Washington, D. C.:*

In behalf of the metalliferous miners of the State of Colorado, will you personally request President Roosevelt to immediately investigate conditions in the San Juan and Cripple Creek districts, Colorado?

EXECUTIVE BOARD, WESTERN FEDERATION MINERS.

By CHARLES H. MOYER, *President.*

DENVER, COLO., *December 5, 1903.*

HON. T. M. PATTERSON,

*United States Senator, Washington, D. C.:*

In behalf of the metalliferous miners of the State of Colorado, will you personally request President Roosevelt to immediately investigate conditions in the San Juan and Cripple Creek districts, Colorado?

EXECUTIVE BOARD, WESTERN FEDERATION MINERS,

By CHARLES H. MOYER, *President.*

WASHINGTON, D. C., *December 6, 1903.*

MR. CHARLES H. MOYER,

*President Western Federation of Miners, Denver, Colo.:*

Yes; will see President early to-morrow and urge him to immediately personally investigate as you request. Will wire his response.

T. M. PATTERSON.

WASHINGTON, D. C., *December 7, 1903.*

CHARLES H. MOYER,

*President Western Federation of Miners, Denver, Colo.:*

Senator Teller and I called upon the President this morning, presented your dispatches, and approved the request. The President stated that under present conditions he had neither the power nor the right to take such action as you request.

T. M. PATTERSON.

While the President declined to investigate conditions at the request of the miners, yet Maj. Gen. John C. Bates, at the instance of the President, came to Colorado and examined into the conditions surrounding the Cripple Creek and Telluride mining districts. He reported to Lieutenant-General Young, Chief of Staff of the Army, in part as follows: "I find that the disturbances at Cripple Creek and Telluride amounted to insurrection against the State of Colorado, in

that mining, milling, and other business was suspended there by reason of intimidation, threats of violence, and that the civil officers were not able to, or did not, maintain order." It is strange that another officer of the United States, Capt. H. M. Burge, of the Navy, discovered no insurrection in the district, and donated \$500 to the striking miners. It is a well-known fact that while Major-General Bates was on his tour of investigation in Colorado he was the guest of the Mine Owners' Association. General Bates states that the civil officers were not able to, or did not, maintain order. There is no better way to refute the above statement than to introduce the signed statements of the Hon. Judge William P. Seeds and the sheriff of Teller County.

William P. Seeds, the district judge of Teller County, in reply to the statements published in the press as coming from the governor and attorney-general, casting reflections upon the civil authorities, issued the following signed statement to the public:

My attention having been called to certain interviews of the governor and the attorney-general of this State, so generally reported to the public press, that I am constrained to believe those officers to be correctly quoted. I realize fully the delicacy of one occupying a judicial position in making public comment as to official acts. However, when the chief executive and the attorney-general of the State, particularly in times of public excitement, make declarations so flagrantly opposed to the recorded truth, it becomes my duty, both to myself and to the public, to make a statement of the facts.

It is not my desire nor within my province to publicly discuss the conditions prevailing in Teller County, and I have refrained from commenting as to the wisdom of the acts of the governor acting within the purview of his authority.

It is reported in these papers that the governor has issued the following orders: "Rearrest the men as soon as they are given their liberty on habeas corpus and hold them at Camp Goldfield until further instructions. I am determined that these men shall not go free without trial."

Further, that the general is reported to have said: "The chief executive is of the opinion that it will be impossible to have miners' union officials tried on the information filed against them while Judge Seeds holds court in the district."

Again: "If these men are given their freedom without a trial, radical steps will have to be taken."

Again: "There seems no special reason why these cases should be rushed through. It will be impossible for them to be properly presented, and when they are fairness will not be done, judging from the present status of affairs."

I find also the following language attributed to Attorney-General Miller: "The governor and his attorneys will try to prevent an immediate hearing of the cases, as they say, to permit the people to become composed. Their hope lies in the fact that Judge Seeds will leave the district January 1, giving up his seat temporarily to Judge Lewis."

It is inconceivable that these officials can make declarations of this character and at the same time be advised as to the truth, and I must believe that the facts and circumstances connected with the habeas corpus proceedings must have been misstated and misrepresented to them. In order that the exact truth may be known I give the following verbatim report of the proceedings had and done at that time:

"Mr. CRUMP. In cases 2445, 2446, 2447, 2448, 2449, and 2450, being six writs of habeas corpus issued on behalf of the various petitioners against the military officers, Colonel Verdeckberg, Major Naylor, and Major McClelland, I have filed returns on behalf of all the respondents generally in the six cases. Cases 2048, 2446, and 4450, being the petitions of Patrick Mullaney, Victor Poole, and W. B. Easterly, the respondents are here in court with the bodies of those respective petitioners. The answer in each one of those cases to the writ is substantially as was made in a prior case here, and which your honor held to be insufficient to authorize the military authorities to longer hold the petitioners. Mr. Hangs has appeared for the petitioners and has filed to each one of these three returns a demurrer or perhaps a motion to quash.

"Mr. HANGS. A motion to quash.

"Mr. CRUMP. It is also the same motion which your honor sustained on a prior case. I don't desire to argue the questions of law which are presented in these matters, and under the precedent which your honor has established and which is the law in this district—at least now—I assume that orders will go directing the respondent to

release each of these petitioners, and I only desire upon the entry of that order to reserve an exception in each case, and I will say to your honor that as soon as that order is made it will be complied with by the respondents.

"Mr. HANGS. I presume the order will be to sustain the motion to quash?

"The COURT. Motion to quash will be sustained and the petitioners will be discharged.

"Mr. CRUMP. Respondent excepts.

"The COURT. That is, in those three cases; that is the order; in the case of the three petitioners' names—Easterly, Poole, and Mullaney.

"Mr. CRUMP. In the other three cases—namely, Kennison, Davis, and Parker cases—under my instructions they have not presented the bodies of the petitioners in court, but in lieu I have filed answers, returns to the several writs, setting forth in addition to the matters in the other cases just disposed of the fact that the district attorney has been presented with affidavits charging each of these petitioners with crimes under the laws of the State. I am informed by the clerk of the court and by the district attorney that these informations charge murder, conspiracy to murder, and conspiracy to derail a railroad train, and have been filed by your honor. Is that correct?

"The COURT. That is correct. Bring those informations, Mr. Clerk.

"Mr. CRUMP. No question being made on the record, I desire to move in those three cases that Mr. HANGS's motion be denied and that the respondent in these three proceedings be discharged, and that an order directing the capias to be delivered to the sheriff of this county, to whom we will forthwith deliver the bodies of these respective prisoners upon those capias.

"Mr. HANGS. We object to that order at this time. It is no defense to a petition for habeas corpus that an information has been placed in the hands of the district attorney which might lead to the filing of criminal informations, and we will say this, that we will not object or not insist upon the petitioners being brought in here, but we do insist that the capias issue and they turn them over to the sheriff prior to the dismissal of these petitions for habeas corpus. They have signified their willingness to do that. In order to comply with the writ they must actually deliver the custody to legal authorities or they must turn them loose to comply with the writ.

"Mr. CRUMP. We are not going to turn them loose, of course.

"Mr. HANGS. The court would have the right to put them under bonds at once or command them to the custody of the sheriff. We think these matters should not be passed up until the prisoners are delivered to the sheriff. Then we consent to the cases being dismissed. That is in reference to Parker, Davis, and Kennison.

"Mr. CRUMP. There is no necessity for that. This order was made in prior cases in this manner and as the court has already held in the other cases. We have justified and performed now all these respondents had to do, and it is with the district attorney to perform his duty, which has been done. The sheriff can have these prisoners either at the camp or if the sheriff of this county desires it the officers in charge will deliver the bodies of these prisoners to the sheriff here. That will be done on the desire of the sheriff.

"The COURT. I will pass the matter for the present and suggest that the officers deliver these respective petitioners to the sheriff at the jail of Teller County, and upon the sheriff 'phoning the clerk or informing him that he has the parties in custody, the order will be made discharging the respondents. You understand that, gentlemen, officers?

"SOME OFFICERS. We do.

"The COURT. And that these suggestions on the part of the court be complied with forthwith on the part of the officers.

"Mr. CRUMP. During the afternoon?

"The COURT. All right."

At no time since the advent of the military into this district has any prisoner charged with crime by that authority been discharged or released by this court under a habeas corpus proceedings or otherwise, and in all cases where discharge has been granted by habeas corpus it has been purely for the lack of any information authorizing or even suggesting to the court the commission of any offense or the violation of any public law on the part of the individual detained. In all other cases where either affidavit or information has been filed against such individual for the commission of any offense he has been remanded to the custody of the sheriff of Teller County and bail fixed commensurate with the offense charged.

It will be observed in the proceedings just had that neither the military nor the legal representative of the governor offered or presented complaint as to the commission of any offense upon the part of any of the prisoners. Wherein any complaint was made the prisoners were arrested and committed under capias issued from this court. As to the State suggesting the rushing of trial of these cases, I desire to say

that in all cases the bonds are made returnable on the first day of the next term of court, which convenes the first Tuesday in February next. This is true in all these cases without exception, and there has not been an intimation on the part of the counsel for the State, or the legal representative of the governor, or the defendants, or anyone in their behalf, suggesting a trial prior to that time.

It will be seen from this statement of facts that there could be no foundation for the quoted comments of the State officials unless it be the decision of the court in the habeas-corpus cases of some weeks since, and my conviction and conclusion at that time I must reaffirm and reiterate.

WILLIAM P. SEEDS.

After martial law was declared by the governor, Sheriff Robertson was interviewed, and spoke as follows:

I still hold that the law has been enforced by the civil authorities of the district. Never at any time have I hesitated when a warrant was placed in my hands, and I have done everything in my power to apprehend those who have committed crimes. I did not ask for the militia, and when I was told this afternoon that martial law would be declared I did not believe it. I have known since this strike started that it was the object and intention, if it could be brought about by the governor's advisers, to declare martial law, and from present indications they have succeeded.

After the governor had ordered the State military to Telluride he declared that they were sent there on the conditions that agitators, idlers, and trouble breeders would be driven from the camp and that he would use the blanket warrants to that end. The wholesale arrests of members of the Telluride unions followed. Members of the union were arrested and convicted of vagrancy, and worked upon the streets because they refused to return to work in the mines on the terms dictated by the Mine Owners' Association. These men were property owners and had visible means of support. The union at Telluride maintains a splendidly equipped hospital, which was erected by the union at a cost of \$32,000. The soldiers battered down the doors of this building and forcibly compelled the members of the union to leave the meeting that was in session. The men were thrown in jail and next day were deported to the adjoining county and warned never to return.

Approximately 75 members of the union were exiled from their homes and are still refused admission to the county. Vice President J. C. Williams, of the Western Federation of Miners, a citizen of California, was among the deported, and Hon. Eugene Engley, former attorney-general of the State and attorney for the Western Federation of Miners, came under the ban of the Mine Owners' Association and was forced to leave the county. A Mrs. Mahoney, who had been employed as a cook at the union hospital at Telluride, was taken from the train at Montrose and refused the right to return to her home at Telluride. The actions of public officials under the administration of Governor Peabody prove that the men who were supposed to be the "servants of the people" have been in league with the corporations of the State to shatter and destroy organized labor. The following letters, which we submit, will demonstrate how Colorado's public officials place themselves under obligations to serve the interests of the corporations:

STATE OF COLORADO, EXECUTIVE CHAMBER,  
Denver, May 25, 1903.

GENTLEMEN: If consistent with your rules please furnish me transportation for my son, James C. Peabody, from Denver to Cheyenne and return, good until June 10, and oblige,

Yours, very truly,

JAMES H. PEABODY,  
Governor.

MESSRS. TELLER AND DORSEY,  
Attorneys Union Pacific Railroad Company, Denver, Colo.

DENVER, COLO., May 12, 1903.

DEAR SIR: Next attached you will find a request from Sherman M. Bell, adjutant-general of the State, for annual transportation over the lines of the Union Pacific Railroad Company. The adjutant-general is in a position to be of benefit to the railroad company in case of labor troubles or similar occurrence and we understand that it is customary for the other railroads in this State to furnish him with such transportation.

His office is an appointive one and at the time we sent in this year's pass list the present incumbent had not received his appointment. We recommend the issuance of this transportation, if it seems proper to you.

Yours, very truly,

TELLER &amp; DORSEY.

Hon. W. R. KELLY, *General Solicitor, Omaha, Nebr.*


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STATE OF COLORADO, ADJUTANT-GENERAL'S OFFICE,  
*Denver, Colo., May 27, 1903.*

GENTLEMEN: I herewith acknowledge receipt of annual transportation No. B2501, good on lines of the Union Pacific Railroad Company in Colorado and Nebraska for the ensuing year.

Kindly accept my thanks for same, and with kind regards, I am,

Very respectfully,

SHERMAN M. BELL,  
*Adjutant-General State of Colorado.*

MESSRS. TELLER & DORSEY,  
*Attorneys Union Pacific Railroad Company,  
307 Boston Building, Denver, Colo.*

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DENVER, COLO., July 10, 1903.

GENTLEMEN: Will you kindly let me have a round-trip pass, Denver to Greeley, for my wife, to be used next Tuesday? I will be much obliged to you for the favor.

Yours, truly,

N. C. MILLER, *Attorney-General.*

MESSRS. TELLER &amp; DORSEY.

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STATE OF COLORADO, EXECUTIVE CHAMBER,  
*Denver, August 31, 1903.*

GENTLEMEN: Finding myself wholly unable to enjoy the privileges extended through the Southern Pacific pass from San Francisco to Ogden, I have the honor to return to you herewith, and thank you sincerely for your trouble in the matter, which I may at some future time invoke in my behalf.

Respectfully, yours,

JAMES H. PEABODY,  
*Governor.*

MESSRS. TELLER & DORSEY,  
*Attorneys Union Pacific Railroad Company, City, Boston Building.*

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STATE OF COLORADO, SUPREME COURT CHAMBERS,  
*Denver, August 29, 1903.*

GENTLEMEN: Please accept thanks for transportation inclosed in your favor of to-day.

Yours, sincerely,

W. H. GABBERT.

MESSRS. TELLER & DORSEY, *City.*


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DENVER, COLO., June 13, 1903.

DEAR SIR: Mr. J. B. Cooke, deputy clerk of the supreme court of this State, has requested trip transportation, Denver to Council Bluffs and return, and half rate

from Council Bluffs to Chicago and return, good for sixty days. He desires to go East, leaving here on Wednesday next.

We are anxious to accommodate Mr. Cooke if it can be done consistently with your rules under the present condition of affairs. Mr. Cooke's position is such that he has frequently been able to and has rendered us valuable services in connection with matters in which the railroad company was interested, especially in connection with the tax litigation of a year or two ago.

If you think it proper to give Mr. Cooke what he asks, kindly so advise us by wire upon receipt of this and we will obtain the transportation and the half-rate order from Superintendent Deuel.

Yours, very truly,

TELLER & DORSEY.

Hon. W. R. KELLY,  
*General Solicitor, Omaha, Nebr.*

STATE OF COLORADO, SUPREME COURT CHAMBERS,  
*Denver, Colo., June 16, 1903.*

MY DEAR SIR: I thank you most sincerely for your favor. I asked Mr. Rogers to speak to you, because he knew better than any one else what I had done for the railroad attorneys, and stand ready to do whenever I can. I hope to be able to prove my appreciation of this favor.

Yours, very truly,

JOHN B. COOKE.

C. C. DORSEY, Esq.

These are but a few of the many letters which might be submitted to show the system of bribery which places the corporate collar on the necks of public officials. We have presented the facts as they have and do exist in Colorado. The ablest constitutional lawyers of the State, Platt, Helm, and Riddell, have rendered an opinion that martial law can not be lawfully declared in this State. The Army and Navy Journal, a recognized authority on military and naval affairs, has the following to say on the Colorado situation:

Assuming the correctness of newspaper reports concerning the recent clash between the civil authorities and the militia authorities in the State of Colorado, there is a curious condition of affairs in that State resulting from the unwise neglect to properly provide for the military forces of the State. \* \* \* As there were no State funds available for the pay, transportation, and maintenance of the troops, the mine owners agreed to advance to the State the money required for the purpose indicated.

#### CIVIL PROCEEDINGS SUSPENDED.

From the hour of their arrival civil processes were suspended. Arrests were made without warrants, alleged disturbers of the peace were cast into prison without process of law, and the sheriff's request that the prisoners be surrendered to him was denied. Finally an application was made to Judge Seeds for a writ of habeas corpus in behalf of two miners who had been locked in the military guardhouse. When the men were brought into court 300 troops were posted around the court-house, two gatling guns placed in a commanding position, and sharpshooters placed on the roofs of neighboring buildings. When the matter came up for a hearing General Chase contended that while martial law had not been formally proclaimed, its existence was implied in the governor's order commanding the troops to maintain order. He held, therefore, that the court was without jurisdiction.

#### PRESIDENT JACKSON WAS FINED.

The experiences of Colorado are an illustration of what may happen when the enforcement of military authority is intrusted to men not trained in its exercise. As the employment of martial law is analogous to the exercise of the right of self-defense by an individual it is difficult to fix a limit to it when the extremity is sufficient to clearly demand its exercise. But a soldier who undertakes to exercise it assumes the very gravest of responsibilities and subjects himself to penalties against

which there is no protection. During the war of 1812 Gen. Andrew Jackson declared martial law in New Orleans, which was then threatened by the advancing British army under General Pakenham. Jackson arrested a local civil judge who questioned his authority and confined him in the barracks. When the war was over the judge in his turn arrested General Jackson and fined him \$1,000 for gross contempt of court. This was a good deal of money in those days, but Jackson had to choose between paying it and going to prison. Pay it he did, and it was not until thirty years after that Congress provided for its repayment with interest.

#### WHEN MARTIAL LAW IS PERMISSIBLE.

There has always been a dispute whether there is any authority for the declaration of martial law without the action of Congress, it being held by the strict constructionists that the authority to proclaim it belongs strictly to the National Legislature. Halleck holds, however, that in a case of public danger at once so imminent and grave as to admit of no other remedy the maxim "*Salus populi suprema lex*" should form the rule of action and that a suspension of this writ (*habeas corpus*) by the executive and military authorities of the United States would be justified by the pressure of a visible public necessity; if an act of indemnity were required it would be the duty of Congress to pass it. \* \* \*

#### PEABODY ABUSED POWERS.

A proclamation of martial law is proper and customary, "though it is not essential when the necessity is imminent." A suspension of the writ of *habeas corpus* is *per se* substantially a form of such declaration, but the mere presence of troops to assist in maintaining order does not justify such a departure from the ordinary methods of enforcing law. The soldiers are called upon to assist the civil authorities and not to defy them and to obstruct the exercise of their authority, as these Colorado guardsmen seem to have done. The governor's action in ordering the troops to the scene of the strike, in spite of the sheriff's denial that any trouble existed, while it did not exceed his powers, was a step of questionable wisdom. But that he should virtually borrow money from the mine owners to maintain the troops whom he had assigned to guard their property was a serious reflection upon the authorities of the State.

That virtually placed the troops for the time being in the relation of hired men to the mine owners, and morally suspended their function of State military guardians of the public peace.

It was a rank perversion of the whole theory and purpose of the National Guard, and far more likely to incite disorder than prevent it. The assumption that the mere ordering of the National Guard to a given point amounts to a proclamation of martial law was a lamentable display of ignorance.

This affair in Colorado is of importance to the whole country, for it is just such abuses of military authority by ignorant and reckless officers of State organizations that nourish the superstitious dread and prejudice with which the unthinking are taught to regard every move looking to the development of our military resources and the maintenance of the national defenses in the required state of efficiency.

The people of this nation for a century and a quarter have celebrated the anniversary of that great epoch in American history, and dedicated with parade and speech the memorable 4th day of July in commemoration of the notes of liberty that rang from the old casting suspended in the tower of Faneuil Hall, signaling the birth of a Republic whose people had groaned beneath the yoke of king rule. Each succeeding year the people have gathered in city, town, and hamlet and boasted of the justice and freedom contained in the Declaration of Independence. The eloquent tongue and the poetic pen have paid tributes to our liberty and made us feel that here in this land where Columbus planted the Cross—the emblem of Christianity—men were kings and women were queens, armored and shielded with a panoply of sovereignty that proclaimed defiance to every species of despotism.

Hearts that beat for a broader liberty in the kingdoms and monarchies of the Old World longed to leave the crumbling dynasties of regal oppression and tyranny and cross the trackless deep and build homes upon the bosom of a nation whose constitution was built upon

the shattered ruins of deposed imperialism. The scourged and down-trodden of bayonet-bristling Europe, as they trod the decks of ocean steamers mounting wave after wave, bearing them nearer and nearer to the land of promise, felt and believed that here in a New World, where royal domination was strangled to death, manhood would develop, and citizenship would be forever fortified by the inalienable right of "life, liberty, and the pursuit of happiness."

The great mass, upon whose shoulders rest the stability of this nation, have been lulled to sleep, and while they slept, in the belief that human liberty was safe, a silken thread was woven, which to-day has become a mighty cable which the power of a Hercules or a Sampson can not break. On the soil of boasted freedom has risen an oligarchy of wealth that knows no law, that recognizes no liberty save the unbridled licenses of the mercenary brigand. The charter of '76 is as lifeless as the dust of the patriots that sleep in the voiceless tomb, and that document, which called to arms the pioneers who consecrated its every word in a baptism of blood, has been torn from the hand of the subjugated slaves in the isles of the Pacific and stamped with the brand of sedition and treason.

The sacred souvenirs of American liberty have been desecrated by the polluted and sacrilegious hand of lawless monopoly, and individual liberty, clothed in the shoddy fabric of wage slavery, has been sentenced to death. For more than half a century the domain of human rights has been contracting under the arrogant and untrammelled sway of corporate might, and pirates on the sea of commercialism, drunk upon the wine of opulence, have no vision for the flecks of foam that can be seen upon the rising billows of hungry desperation, threatening to engulf a world in an ocean of blood. We have thrown wide the gates of this republic and beckoned to the millions of European brawn and brain, who were chanting requiems over the grave of buried liberty, to come to our shores and dwell in this paradise where humanity has been taught that "all men are created equal," but now in the morning light of an infant century, liberty is a corpse, assassinated by the dagger of military anarchy.

Upon the industrial battlefield for a quarter of a century in this nation has been heard the dying wails and groans of labor's victim. The pistol of the hired corporate murderer and the rifle of the uniformed soldier have poured their missiles of death into the ranks of labor, and moneyed nobility has applauded with cheers the wanton slaughter. The soil of every State of our Union has been wet with the blood of labor's martyrs to appease the thirst of soulless greed. The commandment "Thou shalt not kill" has found no place in the lexicon of commercial avarice. The "government of the people, by the people, and for the people" has become the government of trusts and corporations, and citizenship without property has no protection under the constitution of State or nation.

The labor history of Pittsburg, Homestead, Lattimer, Chicago, and Coeur d'Alene, and the usurpation of civil liberty in the Cripple Creek and Telluride districts of Colorado proclaim beyond the question of a doubt that the reign of justice has passed away and that corporate wealth, backed and supported by all the awe and intimidation concentrated in the machinery of military power, are to be used in crushing the rebellion of organized labor against the invasion of solidified commercialism. The Dick military bill, which was written upon

the Federal statutes appropriating to the President of the United States far more power than was ever enjoyed by a Russian Czar, might well cause the people to ponder and ask themselves, "Whither is the Republic drifting?"

A civilization that demands the implements of war to protect it is doomed, and the great mass whom plutocracy has destined to bear the brunt of conflict will not be carried off its feet by a patriotism that establishes commercial supremacy at the expense of human life. That nation is only strong whose yeomanry bask in the sunlight of a liberty that is free from the noxious effluvia of an atmosphere that breeds in the human heart the germs of murder. Wrong was never righted by the bullet or the sword. The savage and the barbarian, who use the club and spear have as high a conception of justice as so-called civilized society that slakes its thirst in blood through the polished steel of Gatling gun and cannon.

Wrong maintained and perpetuated by all the modern machinery of war may have a temporary triumph, and right may be put in prison, but the spirit of justice that will be as eternal as humanity itself shall repeat its demands until the thundering voice of the mighty millions shall shake the pillars of a system that has molded and invented the machines of blood and carnage. The poverty of the world born in greed shall weld together the links of a chain that shall circle the globe, and the plebeian disinherited mass shall come together in a fraternity whose brotherhood will sweep from the face of our planet the last vestige of that tinsel pageantry that marked the era of war.

WESTERN FEDERATION OF MINERS.

CHARLES MOYER, *President*.

WM. D. HAYWOOD, *Secretary-Treasurer*.

